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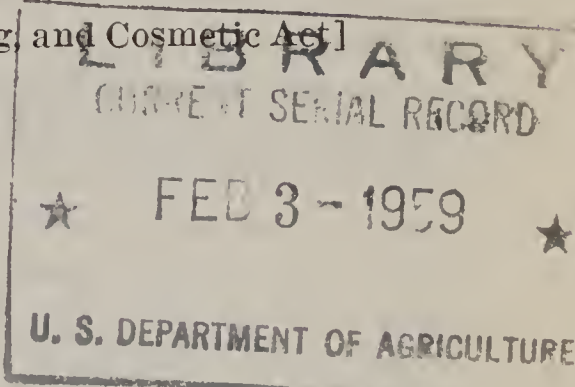
U. S. Department of Health, Education, and Welfare  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24351-24450

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere or a verdict of not guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 12, 1959.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F. N. J. NOS. 24351-24450

*Adulteration*, Section 402 (a) (1), the article contained an added deleterious substance which may have rendered it injurious to health; Section 402 (a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; and Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403 (a), the labeling of the article was false and misleading; Section 403 (h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard; and Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

24351. English muffins. (F. D. C. No. 39383. S. Nos. 23-675/6 M.)

INFORMATION FILED: 6-5-57, Dist. Mass., against Mrs. Kavanagh's English Muffins, Inc., Boston (Dorchester), Mass.

SHIPPED: 7-12-56, from Massachusetts to Connecticut and Rhode Island.

LABEL IN PART: (Pkg.) "Mrs. Kavanagh's 6 English Muffins Mrs. Kavanagh's Boston, Mass. Hartford, Conn."

CHARGE: 402 (a) (3)—contained insect parts; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-5-58. \$500 fine.

24352. Ry-Krisp bread and crackers. (F. D. C. No. 40477. S. Nos. 71-498/9 M.)

INFORMATION FILED: 2-28-58, Dist. Minn., against Ralston Purina Co., a corporation, t/a Ry-Krisp Division of the Ralston Purina Co., Minneapolis, Minn., and Richard F. Partridge, plant manager.



SHIPPED: 7-19-57, from Minnesota to Washington.

LABEL IN PART: (Pkg.) "Net Weight 12 Oz. Family Style Ry-Krisp Scandinavian Style Bread Each 7-in. Square, 160 Calories Vitamin and Mineral Statement Based on 1 7-in. Square Ralston Purina Co.—Manufacturer—St. Louis, Mo.," or "Ry-Krisp The Smörgasbord Cracker 729 Only 20 Calories Per Double Cracker 8½ Oz. Net. Wt. Ralston Purina Co., Mfr., St. Louis, Mo."

CHARGE: 402 (a) (3)—contained insects and insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-12-58. Count I: Corporation—\$3000 fine; individual—\$500 fine. Count II: Corporation and individual—imposition of sentence suspended and placed on probation for 3 years.

24353. Bread. (F. D. C. No. 40463. S. Nos. 61-418/9 M.)

INFORMATION FILED: 12-31-57, Dist. Vt., against Cross Baking Co., Inc., Montpelier, Vt., and G. Landale Edson, president and treasurer of the corporation.

SHIPPED: 5-20-57, from Vermont to New York and New Hampshire.

LABEL IN PART: (Pkg.) "Holsum [or "Home Style"] White Enriched Bread Cross Baking Co., Inc. Montpelier, Vt."

CHARGE: 402 (a) (3)—contained insect parts; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-4-58. Corporation and individual each fined \$100.

24354. Fig bars, fudge brownies, and jelly rolls. (F. D. C. No. 39976. S. Nos. 50-352 M, 50-354 M, 60-581 M.)

INFORMATION FILED: 6-5-57, Dist. Mass., against Chimes Brownie Co., Inc., Boston, Mass., and Edward A. Caracostas, president, treasurer, and manager.

SHIPPED: Between 10-17-56 and 10-19-56, from Massachusetts to Rhode Island, New Hampshire, and Maine.

CHARGE: 402 (a) (3)—contained rodent hair fragments, insects, and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-8-57. Corporation—\$1,000 fine; individual—probation of 1 year.

## FLOUR

24355. Flour, dried lima beans, sugar rice kinkles. (F. D. C. No. 40428. S. Nos. 58-212 M, 58-214/5 M, 58-218 M.)

INFORMATION FILED: 9-11-57, W. Dist. Okla., against Ozmun & Co., a corporation, Oklahoma City, Okla., and Grover C. Ozmun, Jr., president of the corporation, and Arthur C. Doye, warehouse superintendent.

ALLEGED VIOLATION: Between 2-16-54 and 4-8-57, the defendants caused quantities of flour, lima beans, and sugar rice kinkles, while held for sale after shipment in interstate commerce, to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—contained rodent excreta pellets and rodent urine; and 402 (a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-7-57. Corporation—\$1,000 fine; individuals—\$400 fine each.

**24356. Flour.** (F. D. C. No. 40155. S. No. 59-589 M.)

INFORMATION FILED: 7-23-57, N. Dist. Ill., against West Side Warehouse Co., a corporation, Chicago, Ill., Eugene A. Yates, secretary of the corporation, and Stephen Winarski, assistant secretary and superintendent of the corporation.

ALLEGED VIOLATION: Between 7-10-56 and 10-23-56, the defendants caused a quantity of flour, while held for sale after shipment in interstate commerce, to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-30-57. Corporation—\$500 fine plus costs; individuals—\$300 fine each.

**24357. Flour and bran.** (F. D. C. No. 40000. S. Nos. 50-315/6 M.)

INFORMATION FILED: 6-5-57, Dist. Mass., against Radio Foods Corp., Lawrence, Mass.

ALLEGED VIOLATION: On 8-2-56, the defendant caused quantities of flour and bran, while held for sale after shipment in interstate commerce, to be placed in a building accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-7-57. \$400 fine.

**24358. Flour.** (F. D. C. No. 40421. S. No. 27-713 M.)

INFORMATION FILED: 8-30-57, E. Dist. Tex., against Kimbell Milling Co., a corporation, t/a Kimbell-Diamond Milling Co., Denton, Tex., and Ealon G. Rogers, manager of the corporation's Denton Mill.

SHIPPED: 4-30-56, from Texas to Oklahoma.

LABEL IN PART: (Bag) "25 Lbs. Net. Wt. Bleached Phosphated Enriched Silk Finish Fancy Short Patent Flour."

CHARGE: 402 (a) (3)—contained insect parts; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-11-57. Corporation—\$1,000 fine; individual—\$500 fine suspended for 1 year, conditioned upon the mill complying with the recommendations of the Food and Drug Administration.

**24359. Flour.** (F. D. C. No. 40724. S. No. 82-774 M.)

QUANTITY: 43 100-lb. bags at Cincinnati, Ohio.

SHIPPED: 7-26-57, from Springfield, Ill.

LIBELED: 8-30-57, S. Dist. Ohio.



CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-9-57. Default—disposed of for use other than for human consumption.

24360. Flour (2 seizure actions). (F. D. C. Nos. 40712, 40713. S. Nos. 44-652/3 M.)

QUANTITY: 790 25-lb. bags at Dexter, Mo., in possession of Dexter Grocer Co.

SHIPPED: 7-25-57 and 7-26-57, from McPherson, Kans., and Greenville, Tex.

LIBELED: 8-21-57, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 9-19-57. Default—destruction.

24361. Flour. (F. D. C. No. 40721. S. Nos. 57-841 M, 57-845 M.)

QUANTITY: 22 100-lb. bags at Columbus, Ga., in possession of Southland Grocery Co., Inc.

SHIPPED: 7-16-57, from Memphis, Tenn.

LIBELED: 8-29-57, M. Dist. Ga.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-3-57. Consent—destruction.

24362. Flour. (F. D. C. No. 40739. S. No. 71-670 M.)

QUANTITY: 23 50-lb. bags at Des Moines, Iowa.

SHIPPED: 7-11-57, from Lincoln, Nebr.

LIBELED: 9-13-57, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insect filth while held for sale.

DISPOSITION: 10-17-57. Default—consumption by animals.

24363. Flour. (F. D. C. Nos. 40737, 40738. S. Nos. 65-578/80 M.)

QUANTITY: 32 100-lb. bags at Cincinnati, Ohio, in possession of Ed. G. Koehl, Inc.

SHIPPED: Between 11-2-56 and 7-23-57, from Minneapolis, Minn.

LIBELED: 9-16-57, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-23-57. Default—destruction.

24364. Flour. (F. D. C. No. 40735. S. No. 82-984 M.)

QUANTITY: 52 50-lb. bags at Cincinnati, Ohio.

SHIPPED: 3-27-57, from St. Louis, Mo.

LIBELED: 9-12-57, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-23-57. Default—consumption by animals.

24365. Flour. (F. D. C. No. 40653. S. Nos. 57-655 M, 77-374/5 M.)

QUANTITY: 66 100-lb. bags at Tampa, Fla.

SHIPPED: 6-21-57, from Memphis, Tenn.

**LIBELED:** 9-20-57, S. Dist. Fla.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-5-57. Default—destruction.

**24366. Flour.** (F. D. C. No. 40669. S. No. 68-669 M.)

**QUANTITY:** 65 100-lb. bags at New Brunswick, N. J., in possession of Coffaro Bros. Bakery.

**SHIPPED:** 7-11-57, from Buffalo, N. Y.

**LIBELED:** 10-2-57, Dist. N. J.

**CHARGE:** 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 11-6-57. Default—destruction.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**24367. Wheat screenings.** (F. D. C. No. 40433. S. No. 24-066 M.)

**INFORMATION FILED:** 12-19-57, W. Dist. Mo., against Earl A. Hogan, t/a Earl A. Hogan Co., Kansas City, Mo.

**SHIPPED:** 3-25-57, from Missouri to Arizona.

**RESULTS OF INVESTIGATION:** The article was invoiced as wheat screenings.

**CHARGE:** 402 (b) (2)—a substance consisting of dirt, rocks, chaff, stems, burned grain, carbonized material, and corn, wheat, and rye grains had been substituted for wheat screenings.

**PLEA:** Nolo contendere.

**DISPOSITION:** 1-24-58. \$100 fine.

**24368. Wheat.** (F. D. C. No. 40381. S. No. 80-027 M.)

**QUANTITY:** 111,270 lbs. at Minneapolis, Minn.

**SHIPPED:** 7-1-57, from Superior, Wis., by Van Dusen Harrington Co.

**LIBELED:** 7-19-57, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 8-8-57. Consent—claimed by F. H. Peavey & Co., Minneapolis, Minn. Segregated; 22,020 lbs. denatured for use as animal feed.

**24369. Wheat (2 seizure actions).** (F. D. C. Nos. 40371, 40372. S. No. 53-875 M.)

**QUANTITY:** 81,880 lbs. at Fort Worth, Tex.

**SHIPPED:** On various dates, from various places in the State of Kansas.

**LIBELED:** 7-11-57 and 7-18-57, N. Dist. Tex.

**CHARGE:** 402 (a) (2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 8-16-57. Consent—claimed by Interstate Grain Corp., Fort Worth, Tex., and disposed of for use as seed.

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\*See also Nos. 24355, 24357, 24391, 24438.



**24370. Wheat.** (F. D. C. No. 40416. S. No. 79-746 M.)

**QUANTITY:** 102,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 7-30-57, from Philip, S. Dak., by Farmers Co-op Association.

**LIBELED:** 8-14-57, Dist. Minn.

**CHARGE:** 402 (a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 8-29-57. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 12,240 lbs. destroyed.

**24371. Wheat.** (F. D. C. No. 40418. S. No. 71-285 M.)

**QUANTITY:** 92,400 lbs. at Minneapolis, Minn.

**SHIPPED:** 7-23-57, from Petrel, N. Dak., by Lemmon Equity Exchange.

**LIBELED:** 8-14-57, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained rodent excreta when shipped.

**DISPOSITION:** 8-29-57. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 3,450 lbs. denatured for use as animal feed.

**24372. Wheat.** (F. D. C. No. 40402. S. No. 53-609 M.)

**QUANTITY:** 76,250 lbs. at Beaumont, Tex.

**SHIPPED:** 7-2-57, from Shawnee, Okla., by S & S Feed & Seed Co.

**LIBELED:** 8-6-57, E. Dist. Tex.

**CHARGE:** 402 (a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 9-5-57. Consent—claimed by S & S Feed & Seed Co., and denatured for use as seed.

**24373. Wheat.** (F. D. C. No. 40399. S. Nos. 83-866/8 M.)

**QUANTITY:** 340,380 lbs. at Springfield, Ill.

**SHIPPED:** 4-18-57 and 4-19-57, from Carrollton, Mo., by Dannen Grain & Milling Co.

**LIBELED:** 8-1-57, S. Dist. Ill.

**CHARGE:** 402 (a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, hydrogen cyanide, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

**DISPOSITION:** 9-9-57. Consent—claimed by Dannen Grain & Milling Co., and reconditioned to bring the article into compliance with the law.

**24374. Wheat.** (F. D. C. No. 40408. S. No. 41-920 M.)

**QUANTITY:** 120,000 lbs. at Speicher, Ind.

**SHIPPED:** 8-2-57, from Albany, N. Y., by Indiana Grain Co-op of Indianapolis.

**LIBELED:** 8-15-57, N. Dist. Ind.

**CHARGE:** 402 (a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 10-1-57. Consent—claimed by Wabash County Farm Bureau Co-op Association, Inc. Segregated; 2,330 lbs. disposed of for use as mulch in fruit orchards.

**24375. Wheat.** (F. D. C. No. 40760. S. No. 80-179 M.)

**QUANTITY:** 47,520 lbs. at Minneapolis, Minn.

**SHIPPED:** 9-18-57, from Belvidere, S. Dak., by Tri-State Milling Co.

**LIBELED:** 10-2-57, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 10-10-57. Consent—claimed by Tri-State Milling Co. Segregated; 21,710 lbs. denatured for use as animal feed.

**24376. Rice.** (F. D. C. No. 40360. S. No. 71-528 M.)

**QUANTITY:** 11 100-lb. bags at Fargo, N. Dak.

**SHIPPED:** 2-15-57, from St. Paul, Minn.

**LIBELED:** 6-26-57, Dist. N. Dak.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 8-9-57. Default—destruction.

**24377. Rice.** (F. D. C. No. 40707. S. No. 81-802 M.)

**QUANTITY:** 150 bales, 60 1-lb. pkgs. each, at Montgomery, Ala.

**SHIPPED:** 12-20-56, from Carlisle, Ark.

**LIBELED:** 8-16-57, M. Dist. Ala.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 9-16-57. Consent—claimed by Sellers Grocery Co., Montgomery, Ala. Reconditioned; 626 lbs. denatured for use as animal feed.

**24378. Rice.** (F. D. C. No. 40560. S. Nos. 77-197 M, 77-201 M.)

**QUANTITY:** 67 cases, 24 15-oz. pkgs. each, and 25 cases, 40 12-oz. pkgs. each, at Atlanta, Ga., in possession of Lanier Bros.

**SHIPPED:** Between 12-30-55 and 2-5-57, from New York, N. Y., Abbeville, La., and Carlisle, Ark.

**LIBELED:** 8-14-57, N. Dist. Ga.

**CHARGE:** 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 11-1-57. Default—consumption by animals.

**24379. Bran.** (F. D. C. No. 40339. S. No. 60-079 M.)

**QUANTITY:** 18 50-lb. bags at Chicago, Ill.

**SHIPPED:** 4-25-57 and 5-7-57, from Minneapolis, Minn.

**LIBELED:** 6-2-57, N. Dist. Ill.

**CHARGE:** 402 (a) (3)—contained rodent urine while held for sale.

**DISPOSITION:** 8-2-57. Default—destruction.



**24380. Oats and barley.** (F. D. C. No. 40775. S. No. 79-756 M.)

**QUANTITY:** 83,460 lbs. at Minneapolis, Minn.

**SHIPPED:** 9-23-57, from Bruce, S. Dak., by Farmers Co-op Association.

**LIBELED:** 10-10-57, Dist. Minn.

**CHARGE:** 402 (a) (2)—the articles were raw agricultural commodities and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of the law since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on oats and barley has been prescribed by regulations.

**DISPOSITION:** 10-21-57. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 21,950 lbs. destroyed.

**24381. Oatmeal, dried lima beans, dried black-eyed beans, dried Great Northern beans, and dried pinto beans.** (F. D. C. No. 40674. S. Nos. 44-361/2 M, 44-396 M, 44-398/400 M.)

**QUANTITY:** 8 cases, 12 2-lb. 8-oz. boxes each, of oatmeal, 3 bales, 24 1-lb. bags each, and 1 bale containing 6 4-lb. bags of dried lima beans, 3 100-lb. bags and 3 bales, 6 4-lb. bags each, of dried black-eyed beans, 8 bales, 24 1-lb. bags each, of dried Great Northern beans, and 7 bales, 24 1-lb. bags each, of dried pinto beans at McGehee, Ark., in possession of Desha Grocery Co.

**SHIPPED:** Between 1-1-57 and 7-29-57, from Cedar Rapids, Iowa, Athens and Mineola, Tex., and Greenville, Miss.

**LIBELED:** 10-4-57, E. Dist. Ark.

**CHARGE:** 402 (a) (3)—the articles, other than the 3-bag lot of black-eyed beans, contained insects while held for sale; and 402 (a) (4)—the 3-bag lot of black-eyed beans was held under insanitary conditions while held for sale.

**DISPOSITION:** 11-25-57. Default—consumption by animals.

**24382. Unpopped popcorn.** (F. D. C. No. 39395. S. No. 33-999 M.)

**INFORMATION FILED:** 4-10-57, Dist. Kans., against Ed. F. Mangelsdorf & Bro., Inc., Atchison, Kans.

**ALLEGED VIOLATION:** Between 11-21-55 and 4-17-56, while a quantity of unpopped popcorn was being held for sale after shipment in interstate commerce, the defendant caused the article to be placed in a building that was accessible to rodents and birds and to be exposed to contamination by rodents and birds, which acts resulted in the article being adulterated.

**CHARGE:** 402 (a) (3)—contained rodent and bird excreta; and 402 (a) (4)—held under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 5-17-57. Corporation—\$100 fine plus costs.

**24383. Unpopped popcorn.** (F. D. C. No. 40415. S. No. 82-034 M.)

**QUANTITY:** 44 cases, 24 10-oz. cans each, at New Orleans, La.

**SHIPPED:** 8-2-56, from Cedar Rapids, Iowa, by National Oats Co.

**LIBELED:** 8-13-57, E. Dist. La.

CHARGE: 402 (a) (3)—the article was unfit for food by reason of its being contaminated with mold when shipped.

DISPOSITION: 10-1-57. Default—destruction.

24384. Popped popcorn. (F. D. C. No. 40654. S. No. 70-027 M.)

QUANTITY: 79 cases, 12 4½-oz. cans each, at Upper Darby and Easton, Pa.

SHIPPED: 1-31-57, from Bremen, Ind.

RESULTS OF INVESTIGATION: The above-described shipment consisted of unpopped popcorn and, after its receipt at Upper Darby, was used in the manufacture of the article under seizure.

LIBELED: 9-19-57, E. Dist. Pa.

CHARGE: 402 (a) (4)—contained insects while held for sale.

DISPOSITION: 10-2-57. Default—destruction.

24385. Unpopped popcorn. (F. D. C. No. 40678. S. No. 67-562 M.)

QUANTITY: 33 50-lb. bags at Bluefield, W. Va.

SHIPPED: 5-28-57, from Richwood, Ohio.

LIBELED: 10-4-57, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-20-57. Default—destruction.

24386. Unpopped popcorn. (F. D. C. No. 40779. S. Nos. 64-522/3 M.)

QUANTITY: 13 cases, 12 bags each, and 8 cases, 24 bags each, at Olean, N. Y.

SHIPPED: 8-30-57, from Anderson, Ind., by Better Taste Popcorn Co.

LABEL IN PART: (Bag) "Davis \* \* \* Hybrid Popcorn Net Wt. 2 lbs. [or "16 oz."]."

LIBELED: 10-9-57, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-21-57. Default—destruction.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CHOCOLATE PRODUCTS

24387. Cocoa powder. (F. D. C. No. 39269. S. Nos. 38-876/7 M.)

QUANTITY: 15 110-lb. bags and 17 100-lb. bags, at Miami, Fla.

SHIPPED: 8-12-54, from New York, N. Y., by Harlem Food Products.

LABEL IN PART: (Bag) "Cocoa Powder Princeps Brand Product of SCAR Milano Genoa Italy \* \* \* Net 50 KOS" and "Dutched Cocoa Powder."

LIBELED: 6-7-56, S. Dist. Fla.

CHARGE: 402 (b) (2)—a mixture of cocoa powder and ground cottonseed flour had been substituted for cocoa powder; and 402 (b) (4)—when shipped, ground cottonseed flour had been added to, and mixed, and packed with the article so as to increase its bulk and weight and reduce its quality.

DISPOSITION: 6-29-56. Default—destruction.



24388. **Chocolate sirup.** (F. D. C. No. 40424. S. Nos. 33-652/3 M, 58-053 M, 58-143 M.)

INDICTMENT RETURNED: 10-21-57, Dist. Kans., against Sifers Chocolate Syrup Co., Inc., Iola, Kans., and Earl I. Sifers, president of the corporation.

SHIPPED: Between 1-25-57 and 2-20-57, from Kansas to Missouri.

LABEL IN PART: (Jar) "New Sifers Chocolate Flavored Syrup Net Wt. 2½ Lbs. Sifers Chocolate Syrup Co., Inc. Iola, Kansas."

CHARGE: 402 (a) (3)—contained insect larvae, insect fragments, and rodent hair fragments when shipped.

PLEA: Guilty.

DISPOSITION: 5-12-58. Corporation—\$300 fine; individual—\$300 fine.

### CONFECTIONERY

24389. **Candy.** (F. D. C. No. 40478. S. Nos. 67-802 M, 67-805 M, 77-990 M.)

INFORMATION FILED: 3-25-58, W. Dist. Mo., against Barber & Sons Tobacco Co., a corporation, Kansas City, Mo.

ALLEGED VIOLATION: Between 12-13-55 and 8-12-57, while quantities of candy were being held for sale after shipment in interstate commerce, the defendant caused the article to be placed in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the article being adulterated.

CHARGE: 402 (a) (3)—contained insects, insect parts, and insect excreta; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-5-58. \$500 fine, plus costs.

24390. **Candy.** (F. D. C. No. 40756. S. Nos. 44-205 M, 44-214 M.)

QUANTITY: 10 ctns., each containing 23 candy bars, at Paris, Tenn., in possession of M. Livingston & Co.

SHIPPED: 6-12-56 and 7-11-57, from Chicago, Ill.

LIBELED: 9-26-57, W. Dist. Tenn.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-4-57. Default—destruction.

### SUGAR

24391. **Powdered sugar and unpopped popcorn.** (F. D. C. No. 39899. S. Nos. 58-341 M, 58-343 M.)

QUANTITY: 30 100-lb. bags of powdered sugar, and 1 100-lb. bag of popcorn, at Arkansas City, Kans., in possession of Ranney-Davis Mercantile Co.

SHIPPED: 9-21-56 (powdered sugar), from Supreme, La., and 11-8-56 (popcorn), from Atlantic, Iowa.

LIBELED: 1-7-57, Dist. Kans.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-11-58. Consent—claimed by Ranney-Davis Mercantile Co. Segregated; 100 lbs. each, of sugar and popcorn destroyed.

## DAIRY PRODUCTS

## BUTTER

24392. Butter. (F. D. C. No. 40803. S. No. 72-773 M.)

QUANTITY: 16 64-lb. boxes at Chicago, Ill.

SHIPPED: 8-15-57, from Broken Bow, Nebr., by the Broken Bow Creamery.

LIBELED: 9-3-57, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed cream when shipped.

DISPOSITION: 9-10-57. Consent—claimed by Marketing Association of America, Chicago, Ill., and converted into butter oil.

24393. Butter. (F. D. C. No. 40802. S. No. 72-488 M.)

QUANTITY: 15 64-lb. ctns. at Chicago, Ill.

SHIPPED: 7-31-57, from Broken Bow, Nebr., by Broken Bow Creamery.

LIBELED: 8-16-57, N. Dist. Ill.

CHARGE: 402 (b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 9-10-57. Consent—claimed by the Marketing Association of America, and reworked to bring it into compliance with the law.

24394. Butter. (F. D. C. No. 40807. S. No. 55-040 M.)

QUANTITY: 38 64-lb. tubs at Louisville, Ky.

SHIPPED: 7-30-57, from Vincennes, Ind., by Tip Top Creamery Co.

LIBELED: 8-8-57, W. Dist. Ky.

CHARGE: 402 (a) (3)—when shipped, the article contained a decomposed substance by reason of having been made from decomposed cream.

DISPOSITION: 9-11-57. Consent—claimed by Beatrice Foods Co., Chicago, Ill., and converted into butter oil.

24395. Butter. (F. D. C. No. 40501. S. Nos. 68-321/6 M.)

QUANTITY: 557 64-lb. ctns. at Jersey City, N. J.

SHIPPED: Between 7-8-57 and 7-11-57, from Galetton, Pa., by Sunnydale Farms, Inc.

LIBELED: 7-30-57, Dist. N. J.

CHARGE: 402 (b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 9-12-57. Consent—claimed by Sunnydale Farms, Inc., and reworked.

24396. Butter. (F. D. C. No. 40810. S. No. 69-394/5 M.)

QUANTITY: 415 60-lb. ctns. at Philadelphia, Pa.

SHIPPED: 8-1-57, from Staunton, Va., by Valley Creamery, Inc.

LIBELED: 8-19-57, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insect and rodent filth, and filthy, decomposed cream when shipped; 402 (a) (4)—prepared under insanitary conditions; and 402 (b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter.



**DISPOSITION:** 9-12-57. Consent—claimed by Staunton Creamery, Inc., Staunton, Va., Valley Creamery, Inc., Harrisonburg, Va., and Blue Ridge Creamery, Inc., Luray, Va. Segregated; 294 cases found unfit, of which 234 were destroyed and 60 were used in the manufacture of soap.

**24397. Butter.** (F. D. C. No. 40814. S. No. 68-320 M.)

**QUANTITY:** 18 64-lb. ctns. at New York, N. Y.

**SHIPPED:** 8-2-57, from Orleans, Nebr., by Farmers Equity Co-op Creamery.

**LABEL IN PART:** "Sweet Butter \* \* \* Distributed by J. R. Kramer, Inc., New York, N. Y."

**LIBELED:** 8-28-57, S. Dist. N. Y.

**CHARGE:** 402 (b) (2)—the article was below the legal standard for milk fat when shipped.

**DISPOSITION:** 9-13-57. Consent—claimed by J. R. Kramer, Inc., and reworked.

**24398. Butter.** (F. D. C. No. 40813. S. No. 44-266 M.)

**QUANTITY:** 38 64-lb. cubes at Fort Smith, Ark.

**SHIPPED:** On 8-12-57, quantities of cream were shipped from various places in Oklahoma to Fort Smith, Ark.

**RESULTS OF INVESTIGATION:** The cream which was shipped as described above, was used in the manufacture of the above-mentioned quantity of butter.

**LIBELED:** 8-22-57, W. Dist. Ark.

**CHARGE:** 402 (a) (3)—the cream contained a decomposed substance when shipped.

**DISPOSITION:** 9-16-57. Consent—claimed by Sugar Creek Creamery Co., Fort Smith, Ark., and converted into butter oil.

**24399. Butter.** (F. D. C. No. 40804. S. No. 14-568 M.)

**QUANTITY:** 24 63-lb. cubes at Quincy, Ill.

**SHIPPED:** On 8-17-57 and 8-19-57, quantities of cream were shipped from various places in the states of Arkansas and Missouri.

**RESULTS OF INVESTIGATION:** The cream which was shipped as described above, was used in the manufacture of the above-mentioned quantity of butter.

**LIBELED:** On or about 9-4-57, S. Dist. Ill.

**CHARGE:** 402 (a) (3)—the above-mentioned cream consisted in part of a decomposed substance when shipped.

**DISPOSITION:** 9-27-57. Consent—claimed by Davis-Cleaver Produce Co., Quincy, Ill., and converted into butter oil.

## CHEESE

**24400. Cheese.** (F. D. C. No. 40774. S. No. 66-642 M.)

**QUANTITY:** 35 ctns., each containing from 38½ to 43 lbs., at Willows, Calif.

**SHIPPED:** 9-16-57, from Bandon, Oreg., by Coquille Valley Dairy Co-op.

**LABEL IN PART:** "Coquille Valley Dairy Co-op. Bandon, Oregon Whole Milk Cheddar Cheese."

**LIBELED:** 10-8-57, N. Dist. Calif.

**CHARGE:** 402 (a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 10-22-57. Default—destruction.

**24401. Cheese.** (F. D. C. No. 39400. S. Nos. 62-106/8 M.)

INFORMATION FILED: 3-8-57, S. Dist. N. Y., against Brunetto Cheese Co., Inc., Hopewell Junction, N. Y., and Martin Strazdins, plant manager.

SHIPPED: 10-11-56, from New York to Connecticut.

CHARGE: 402 (a) (3)—contained insects and insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-27-57. Corporation and individual—\$50 fine, each.

**24402. Cheddar cheese.** (F. D. C. No. 39998. S. No. 44-000 M.)

INFORMATION FILED: 9-9-57, W. Dist. Mo., against Charles F. Umland, t/a Pulaski Country Cheese Co., Dixon, Mo.

ADDED VIOLATION: On 9-1-54, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, a guaranty to the effect that cheese delivered by the defendant under the guaranty would not be adulterated or misbranded.

On 10-23-56, the defendant caused to be delivered to the holder of the guaranty at Springfield, Mo., a quantity of cheddar cheese which was adulterated.

CHARGE: 402 (a) (3)—when shipped, contained a filthy substance by reason of the use of filth-contaminated milk in the preparation of the cheese.

PLEA: Nolo contendere.

DISPOSITION: 3-27-58. \$750 fine, plus costs.

**24403. Cheese.** (F. D. C. No. 40536. S. No. 61-439 M.)

QUANTITY: 109 2-lb. heads in 6 cartons at Manchester, N. H.

SHIPPED: Between 3-6-57 and 5-16-57, from Hinesburg, Vt.

LIBELED: 7-25-57, Dist. N. H.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 1-23-58. Consent—destruction.

## EGGS

**24404. Shell eggs.** (F. D. C. No. 40607. S. No. 36-017 M.)

INFORMATION FILED: 12-12-57, N. Dist. Ill., against Bauer Poultry Corp., Addison, Ill., against Carl Bauer, trading under the names of Square B Brand Egg Co., Wm. Bano, and Blue Top Turkey Co., Addison, Ill., and against Winfred M. Wright, d/b/a W. Wright, Kansas City, Mo.

SHIPPED: 4-12-56, from Iowa to Illinois.

CHARGE: 402 (a) (3)—when shipped, contained decomposed eggs and was otherwise unfit for food because the eggs were incubator rejects.

PLEA: Guilty.

DISPOSITION: 2-24-58. Corporation—\$200 fine, plus costs; individuals—each fined \$100, which fines were suspended for 1 year.

**24405. Frozen eggs.** (F. D. C. No. 40003. S. No. 50-345 M.)

INFORMATION FILED: 5-1-57, Dist. N. H., against H. P. Hood & Sons, Inc., Walpole, N. H., and Bruce Mavor, manager of the corporation's Walpole plant.



SHIPPED: 9-17-56, from New Hampshire to Massachusetts.

LABEL IN PART: (Can) "Whole Frozen Eggs 30 Lbs. Net Packed by: H. P. Hood & Sons, Walpole, N. H. Egg Division."

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

PLEA: Corporation—guilty; individual—nolo contendere.

DISPOSITION: 10-2-57. Corporation—\$700 fine; individual—placed on 30 days probation.

**24406. Frozen eggs.** (F. D. C. No. 40752. S. No. 72-938 M.)

QUANTITY: 414 30-lb. cans at Denver, Colo.

SHIPPED: Shell eggs were shipped from various points in Kansas and Nebraska.

RESULTS OF INVESTIGATION: The frozen eggs were prepared from the shell eggs, shipped as described above.

LIBELED: 9-27-57, Dist. Colo.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-16-57. Consent—claimed by Safeway Stores, Inc., Oakland, Calif. 4 cans of the 150 cans of eggs actually seized were found unfit and denatured.

**24407. Frozen eggs.** (F. D. C. No. 41210. S. No. 88-143 M.)

QUANTITY: 152 cans at Rochester, N. Y.

SHIPPED: 11-15-57, from Chicago, Ill., by Armour Creameries.

LABEL IN PART: "Frozen Whole Eggs Armour Cloverbloom 30 Lbs. Net Weight."

LIBELED: 12-4-57, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-13-58. Consent—claimed by Armour & Co. Segregated; 6 30-lb. cans denatured.

## FISH AND SHELLFISH\*

**24408. Codfish.** (F. D. C. No. 39386. S. Nos. 44-905/6 M, 58-980 M.)

INFORMATION FILED: 6-5-57, Dist. Mass., against Collins-Lee Co., a corporation, Chelsea, Mass., and Wallace C. Lee, president and treasurer of the corporation.

SHIPPED: Between 7-16-56 and 8-7-56, from Massachusetts to Pennsylvania and the District of Columbia.

LABEL IN PART: (Ctn.) "5 Lbs. Net Pride Codfish," "5 Lbs. Fine Cut Salt Fish," and "10 Lbs. Cod Bits Collins & Lee."

CHARGE: 402 (a) (3)—contained maggots and insect parts, plus insect eggs (cod bits); and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-28-57. Corporation—\$1,000 fine; individual—\$100 fine.

**24409. Dover sole fillets.** (F. D. C. No. 40537. S. Nos. 51-364 M, 74-274 M, 74-278 M.)

QUANTITY: 100 cases, 12 5-lb. ctns. each, at Seattle, Wash.

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\*See also No. 24449.

SHIPPED: 6-4-57 and 6-17-57, from San Diego, Calif., by Northwest Fisheries, Inc.

LIBELED: 7-30-57, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 10-29-57. Default—destruction.

24410. Canned oysters. (F. D. C. No. 40378. S. No. 63-858 M.)

QUANTITY: 246 cases, 24 8-oz. cans each, at Pueblo, Colo.

SHIPPED: 12-27-56, from Biloxi, Miss., by Blue Channel Corp.

LABEL IN PART: "Rudder Brand \* \* \* Packed For Blue Channel Corp., Port Royal, South Carolina."

LIBELED: 7-16-57, Dist. Colo.

CHARGE: 402 (a) (3)—contained decomposed oysters when shipped.

DISPOSITION: 8-20-57. Consent—claimed by Blue Channel Corp. Segregated; 235 8-oz. cans destroyed.

24411. Canned crabmeat (4 seizure actions). (F. D. C. Nos, 40498, 40499, 40502, 40503. S. Nos. 53-692/4 M, 53-697 M.)

QUANTITY: 862 1-lb. cans at New Orleans, La., and Mobile, Ala.

SHIPPED: Between 7-24-57 and 8-1-57, from Pascagoula, Miss., by Pascagoula Crab Co.

LABEL IN PART: "Pascagoula Crab Co. Claw [or "Special"] Crabmeat."

RESULTS OF INVESTIGATION: Examination showed that the article was contaminated with *E. coli* of fecal origin.

LIBELED: Between 7-31-57 and 8-6-57, E. Dist. La., and S. Dist. Ala.

CHARGE: 402 (a) (3)—contained a filthy animal substance; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: Between 8-27-57 and 9-9-57. Default—destruction.

24412. Frozen scallops. (F. D. C. No. 40518. S. No. 75-936 M.)

QUANTITY: 114 5-lb. ctns. at Portland, Maine.

SHIPPED: 6-24-57, from Boston, Mass., by George E. Eldridge.

LIBELED: 7-15-57, Dist. Maine.

CHARGE: 402 (a) (3)—contained decomposed scallops when shipped.

DISPOSITION: 10-2-57. Default—disposed of for use as fertilizer.

24413. Frozen shrimp. (F. D. C. No. 40624. S. No. 76-263 M.)

QUANTITY: 62 ctns. at Boston, Mass.

SHIPPED: 12-26-56 and 1-3-57, from New York, N. Y., by International Fisheries Corp.

LABEL IN PART: "Quick Frozen Shrimp Five Pounds Net Product of India Packed For: International Fisheries Corporation."

LIBELED: 9-3-57, Dist. Mass.

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 10-7-57. Default—destruction.

24414. Frozen shrimp. (F. D. C. No. 40788. S. Nos. 51-369/72 M.)

QUANTITY: 225 50-lb. cases at Los Angeles, Calif.



SHIPPED: 8-1-57, from New York, N. Y., by Osan Supply Co.

LABEL IN PART: "Southern Cross Quick Frozen Shrimp \* \* \* Product of India \* \* \* Peeled & Deveined."

LIBELED: 10-15-57, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 2-26-58. Default—destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

24415. Dried pears. (F. D. C. 41381. S. No. 90-226 M.)

QUANTITY: 7 25-lb. cases at St. Louis, Mo.

SHIPPED: 12-12-57, from San Jose, Calif., by Richmond-Chase Co.

LABEL IN PART: "Heart's Delight Dried Pears."

LIBELED: 1-23-58, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained rodent hairs and rodent excreta pellets; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-21-58. Default—destruction.

### FROZEN FRUIT

24416. Frozen strawberries. (F. D. C. No. 40633. S. Nos. 83-910/12 M.)

QUANTITY: 1,773 30-lb. ctns., at St. Louis, Mo.

SHIPPED: Between 5-27-57 and 6-11-57, from Humboldt, Tenn., by Humboldt Foods, Inc.

LABEL IN PART: "Individually Quick Frozen Strawberries."

LIBELED: 9-10-57, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed strawberries when shipped.

DISPOSITION: 10-30-57. Consent—claimed by Humboldt Foods, Inc. Segregated; 341 ctns. destroyed.

### JELLY

24417. Blackberry jelly. (F. D. C. No. 40761. S. No. 44-058 M.)

QUANTITY: 62 cans at St. Louis, Mo.

SHIPPED: 7-19-57, from Leachville, Ark., by Everson Frosted Foods.

LABEL IN PART: "Temtor Net Wt. 8 lbs. Pure Blackberry Jelly."

LIBELED: 10-1-57, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed fruit when shipped.

DISPOSITION: 10-29-57. Default—destruction.

## VEGETABLES AND VEGETABLE PRODUCTS\*

24418. Dried fava beans. (F. D. C. No. 40651. S. No. 78-764 M.)

QUANTITY: 63 110-lb. bags at New York, N. Y.

SHIPPED: 8-24-56, from outside the United States.

LIBELED: 10-7-57, S. Dist. N. Y.

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\*See also Nos. 24355, 24381.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-22-57. Default—destruction.

24419. Dried brown beans. (F. D. C. No. 40658. S. No. 84-717 M.)

QUANTITY: 82 100-lb. bags at Chicago, Ill.

SHIPPED: 12-18-56, from New York, N. Y.

LIBELED: 9-19-57, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained moldy beans while held for sale.

DISPOSITION: 10-23-57. Default—destruction.

24420. Canned navy beans. (F. D. C. No. 40726. S. No. 64-953 M.)

QUANTITY: 83 cases, 48 cans each, at Indianapolis, Ind.

SHIPPED: 6-3-57, from Belleville, Ill., by Tony Bonnelle Co., Inc.

LABEL IN PART: (Can) "Red Label \* \* \* Contents 15 Oz. Avoir. Navy Beans."

LIBELED: 9-5-57, S. Dist. Ind.

CHARGE: 402 (a) (3)—the article had an abnormal flavor and odor when shipped.

DISPOSITION: 10-14-57. Default—destruction.

24421. Canned lima beans. (F. D. C. No. 40769. S. No. 77-393 M.)

QUANTITY: 44 cases, 24 cans each, at Monroe, Ga.

SHIPPED: 6-14-57, from Milford, Del., by Brakeleys, Inc.

LABEL IN PART: (Can) "Brakeley Contents 1 Lb. Luxury Green Lima Beans."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 10-3-57, M. Dist. Ga.

CHARGE: 402 (a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 11-8-57. Default—destruction.

24422. Dried lima beans. (F. D. C. No. 40667. S. No. 66-474 M.)

QUANTITY: 313 100-lb. bags at Newnan, Ga.

SHIPPED: 8-27-57, from King City, Calif., by Commodity Credit Corp.

LIBELED: 9-30-57, N. Dist. Ga.

CHARGE: 402 (a) (3)—contained rodent urine when shipped.

DISPOSITION: 12-12-57. Default—consumption by animals.

24423. Dried pinto beans. (F. D. C. No. 40710. S. No. 73-793 M.)

QUANTITY: 12 100-lb. bags at Denver, Colo., in possession of Associated Grocers of Colo.

SHIPPED: 6-8-57, from Jerome, Idaho.

LIBELED: 8-23-57, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-7-57. Default—consumption by animals.



24424. Dried soybeans. (F. D. C. No. 40785. S. No. 75-167 M.)

QUANTITY: 40 100-lb. bags at Alhambra, Calif.

SHIPPED: 6-25-57, from Stuttgart, Ark., by Jacob Hartz Seed Co., Inc.

LABEL IN PART: "U. S. No. 1. Ogden \* \* \* Soy Beans."

LIBELED: 10-10-57, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-1-57. Default—destruction.

24425. Dried red beans. (F. D. C. No. 40675. S. No. 71-672 M.)

QUANTITY: 42 cases, 12 2-lb. bags each, at Des Moines, Iowa.

SHIPPED: 2-19-57, from Lincoln, Nebr., by Gooch Food Products Co.

LABEL IN PART: (Bag) "Velvet Polished Red Beans Our Process Insures Extra Cleaning."

LIBELED: 10-1-57, S. Dist. Iowa.

CHARGE: 402 (a) (1)—when shipped, the article contained an added deleterious substance, namely, stones, which may render it injurious to health; and 403 (a)—the label statement "Our Process Insures Extra Cleaning" was false and misleading as applied to a product containing stones.

DISPOSITION: 11-6-57. Consent—consumption by animals.

24426. Dried kidney beans. (F. D. C. No. 40734. S. No. 51-358 M.)

QUANTITY: 881 100-lb. bags at Los Angeles, Calif.

SHIPPED: 6-29-55, from outside the State of California.

LIBELED: 9-16-57, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent urine and rodent hairs while held for sale.

DISPOSITION: 10-29-57. Consent—claimed by First Western Bank & Trust Co., Los Angeles, Calif. Segregated; 20,703 lbs. converted into animal feed.

24427. Canned cut green beans. (F. D. C. No. 40732. S. No. 78-223 M.)

QUANTITY: 120 cases, 24 1-lb. cans each, at Kansas City, Kans.

SHIPPED: 7-22-57, from Stilwell, Okla., by Stilwell Canning Co.

LABEL IN PART: (Can) "Highway \* \* \* Cut Green Beans."

LIBELED: 9-23-57, Dist. Kans.

CHARGE: 403 (h) (1)—the quality of the article, when shipped, fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: 11-21-57. Default—delivered to a charitable institution.

24428. Dried chickpeas. (F. D. C. No. 40646. S. No. 78-762 M.)

QUANTITY: 19 110-lb. bags at New York, N. Y.

SHIPPED: 2-10-54, from outside the United States.

LIBELED: 10-7-57, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-24-57. Default—destruction.

**24429. Green split peas, paprika, and sesame seed (3 seizure actions).** (F. D. C. No. 40668. S. Nos. 68-692 M, 68-738 M, 68-740 M.)

**QUANTITY:** 39 100-lb. bags of green split peas, 20 110-lb. bags of paprika, and 21 140-lb. bags of sesame seed at New York, N. Y.

**SHIPPED:** The green split peas were shipped from Idaho, Washington, Wisconsin, Minnesota, and North Dakota on an unknown date, the paprika was shipped from Spain on or about 4-24-57, and the sesame seed was imported into the United States on or about 4-12-57.

**LIBELED:** 10-22-57 and 10-23-57, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** Sesame seed, 11-13-57. Consent—claimed by Louis Furth, Inc., New York, N. Y. Segregated; 42 lbs. destroyed. Green split peas and paprika, 11-22-57. Default—destruction.

**24430. Canned black-eyed peas.** (F. D. C. No. 40680. S. No. 57-656 M.)

**QUANTITY:** 245 cases, 24 15-oz. cans each, at Seffner, Fla., in possession of Northwestern Canning & Packing Co.

**SHIPPED:** 6-18-57, from Los Angeles, Calif.

**LABEL IN PART:** (Can) "Old Glory \* \* \* Blackeye Peas."

**RESULTS OF INVESTIGATION:** The shipment described above consisted of dry peas which, upon receipt by the consignee, were prepared and packed into cans.

**LIBELED:** 10-24-57, S. Dist. Fla.

**CHARGE:** 402 (a) (3)—contained insects while held for sale; and 402 (a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 12-5-57. Default—destruction.

**24431. Dried peas.** (F. D. C. No. 40792. S. No. 73-175 M.)

**QUANTITY:** 36 100-lb. bags at Sterling, Colo., in possession of Trinidad Bean & Elevator Co.

**SHIPPED:** 8-15-57, from Palouse, Wash.

**LIBELED:** 10-15-57, Dist. Colo.

**CHARGE:** 402 (a) (3)—contained rodent urine; and 402 (a) (4)—stored under insanitary conditions.

**DISPOSITION:** 12-5-57. Default—destruction.

**24432. Yellow corn.** (F. D. C. No. 40736. S. No. 449 M.)

**QUANTITY:** 4,818 bushels at Guthrie, Ky.

**SHIPPED:** Between 6-11-57 and 8-21-57, from New Albany, Ind., by Garrison Elevator Co., Inc.

**LIBELED:** 9-18-57, W. Dist. Ky.; amended libel on 11-27-57.

**CHARGE:** 402 (a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, thiram, which is unsafe within the meaning of 408 (a) since no tolerance or exemption from a requirement of a tolerance for such pesticide on bulk yellow corn has been prescribed.

**DISPOSITION:** 12-17-57. Default—destruction.

**24433. Artichoke hearts.** (F. D. C. Nos. 40582, 40583, 40584, 40585, 40586. S. No. 81-921 M.)

**QUANTITY:** 144 cases, 24 cans each, at New Orleans, La.



SHIPPED: 5-15-57, from San Jose, Calif., by Hawaiian Pineapple Co., Ltd.

LABEL IN PART: (Can) "Seaside Whole Hearts of Artichokes Contents 1 Lb. Net Drained Weight 8½ Oz. \* \* \* Barron-Gray Packing Co., San Jose, California."

LIBELED: 9-3-57, E. Dist. La.

CHARGE: 402 (a) (3)—contained insects, insect fragments, insect larvae, and insect excreta when shipped.

DISPOSITION: 10-15-57. Default—destruction.

**24434. Potato dumplings.** (F. D. C. No. 40016. S. No. 52-741 M.)

INFORMATION FILED: 7-1-57, E. Dist. N. Y., against Milady Food Products, Inc., Brooklyn, N. Y., and Max Levine, secretary-treasurer of the corporation.

SHIPPED: 10-30-56, from New York to New Jersey.

LABEL IN PART: (Box) "Milady's Six POTATO DUMPLINGS (Pirogen) \* \* \* Ingredients: Potatoes, Onions, Fresh Eggs, Flour, Oil, Salt and Pepper. Reg. Penna. Dept. Agr.—Net Weight 8 oz. \* \* \* Made by Milady Food Products, Inc., Brooklyn, N. Y."

CHARGE: 402 (a) (3)—contained bacterial organisms; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-22-57. Corporation—\$750 fine; individual—\$250 fine, and probation for 2 years.

**24435. Sweet pickles.** (F. D. C. No. 40789. S. No. 66-056 M.)

QUANTITY: 10 cases, 4 1-gal. jars each, at Salt Lake City, Utah.

SHIPPED: 9-26-57, from Mountain View, Calif., by California Conserving Co., Inc.

LIBELED: 10-15-57, Dist. Utah.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-28-58. Default—destruction.

## NUTS

**24436. Shelled black walnuts.** (F. D. C. No. 40757. S. No. 64-433 M.)

QUANTITY: 9 35-lb. cases at Pittsburgh, Pa.

SHIPPED: 7-25-57, from Nashville, Tenn.

LIBELED: 9-30-57, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-9-57. Default—destruction.

**24437. Shelled walnuts.** (F. D. C. No. 40787. S. No. 71-294 M.)

QUANTITY: 10 25-lb. boxes at Stillwater, Minn.

SHIPPED: 10-30-56, from Stockton, Calif.

LIBELED: 10-15-57, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects, and moldy and insect-damaged nuts while held for sale.

DISPOSITION: 12-2-57. Default—consumption by animals.

24438. Unshelled walnuts and egg noodles. (F. D. C. No. 40705. S. Nos. 82-785 M, 82-788 M.)

QUANTITY: 1 100-lb. bag of unshelled walnuts and 29 cartons, 24 8-oz. pkgs. each, of noodles at Marietta, Ohio.

SHIPPED: The walnuts were shipped from outside the State of Ohio on an unknown date, and the noodles were shipped between 6-14-57 and 8-23-57, from Carnegie, Pa.

LIBELED: 10-11-57, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-3-58. Default—destruction.

24439. Peanuts. (F. D. C. No. 40758. S. No. 71-122 M.)

QUANTITY: 4 100-lb. bags at Willmar, Minn.

SHIPPED: 12-13-56, from Virginia.

LIBELED: 10-2-57, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-15-57. Default—consumption by animals.

24440. Peanuts. (F. D. C. No. 40768. S. No. 71-568 M.)

QUANTITY: 50 90-lb. bags at Davenport, Iowa, in possession of Kohrs Cold Storage Co.

SHIPPED: 12-31-56, from Franklin, Va.

LIBELED: 10-4-57, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-13-58. Consent—claimed by Charles Circello, Rock Island, Ill. Segregated; 118 lbs. denatured.

24441. Shelled pecans. (F. D. C. No. 40753. S. No. 64-435 M.)

QUANTITY: 5 25-lb. ctns. at Pittsburgh, Pa.

SHIPPED: During 1957, from outside the State of Pennsylvania.

LIBELED: 9-24-57, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-30-57. Default—destruction.

24442. Shelled brazil nuts. (F. D. C. No. 40772. S. No. 64-543 M.)

QUANTITY: 324 lbs. in cans at Albany, N. Y.

SHIPPED: 9-5-57, from Boston, Mass.

LIBELED: 10-7-57, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-22-57. Default—destruction.

24443. Shelled pistachio nuts. (F. D. C. No. 40770. S. No. 60-294 M.)

QUANTITY: 7 cases at Detroit, Mich.

SHIPPED: 7-24-57, from Denver, Colo. This was a return shipment.

LIBELED: On or about 10-9-57, E. Dist. Mich.



**CHARGE:** 402 (a) (3)—contained insects and machine oil while in interstate commerce.

**DISPOSITION:** 1-24-58. Default—destruction.

## POULTRY

**24444. Dressed poultry.** (F. D. C. No. 40141. S. Nos. 60-626/30 M.)

**INDICTMENT RETURNED:** 10-8-57, Dist. N. H., against Karanikas & Sons, a partnership, Goffstown, N. H.

**SHIPPED:** 2-6-57, from New Hampshire to Massachusetts.

**CHARGE:** 402 (a) (3)—contained fecal matter and crop material; 402 (a) (4)—prepared, packed, and held under insanitary conditions; and 402 (a) (5)—contained diseased birds when shipped.

**PLEA:** Not guilty.

**DISPOSITION:** The case came on for trial before a jury on 11-25-57. On 11-29-57, the jury returned a verdict of not guilty.

**24445. Dressed chickens.** (F. D. C. No. 40697. S. No. 62-615 M.)

**QUANTITY:** 5 crates, containing a total of 397 lbs., at New York, N. Y.

**SHIPPED:** 9-22-57, from Frankford, Del., by Eagle Poultry Packers, Inc.

**LIBELED:** 10-22-57, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—when shipped, contained torn, bruised birds, and birds contaminated with fecal and crop material.

**DISPOSITION:** 11-22-57. Default—destruction.

**24446. Dressed chickens.** (F. D. C. No. 40946. S. No. 62-619 M.)

**QUANTITY:** 3 crates totaling 156 lbs. at Bronx, N. Y.

**SHIPPED:** 10-21-57, from Frankford, Del., by Eagle Poultry Packers, Inc.

**LIBELED:** 12-10-57, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—when shipped, contained torn, bruised birds, and birds contaminated with fecal and crop material; and 402 (a) (5)—contained diseased birds.

**DISPOSITION:** 1-6-58. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**24447. Vitamin capsules.** (F. D. C. No. 40928. S. No. 61-335 M.)

**QUANTITY:** 35 100-capsule btls. at Skowhegan, Maine.

**SHIPPED:** 10-3-55, from Worcester, Mass.

**RESULTS OF INVESTIGATION:** Examination showed that the article contained less than 80 percent of the declared amount of vitamin C.

**LIBELED:** 11-1-57, Dist. Maine.

**CHARGE:** 402 (b) (1)—while held for sale, a valuable constituent, vitamin C, had been in part omitted or abstracted from the article; and 403 (a)—the label statement "Each Capsule Contains: \* \* \* Ascorbic Acid (C) 30 mg." was false and misleading.

**DISPOSITION:** 12-31-57. Default—destruction.

**24448. Mineral and vitamin tablets.** (F. D. C. No. 40723. S. No. 50-846 M.)

**QUANTITY:** 33 100-tablet btls. and 17 300-tablet btls., at Los Angeles, Calif.

**SHIPPED:** 5-24-57, from New York, N. Y., by Universal Nutritions, Inc.

**LABEL IN PART:** "M-15 Minerals Plus Vitamin D \* \* \* 6 Tablets Supply \* \* \* Vitamin D 500 U.S.P. Units."

**RESULTS OF INVESTIGATION:** Analysis showed that the article contained less than 50 percent of the declared amount of vitamin D.

**LIBELED:** 9-5-57, S. Dist. Calif.

**CHARGE:** 402(b)(1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "6 Tablets Supply \* \* \* Vitamin D 500 U.S.P. Units" was false and misleading.

**DISPOSITION:** 12-5-57. Default—destruction.

**24449. Canned salmon (dietetic).** (F. D. C. No. 40704. S. No. 74-132 M.)

**QUANTITY:** 49 cases, 48 cans each, at Boston, Mass.

**SHIPPED:** 8-12-57, from Anacortes, Wash., by Fishermen's Packing Corp.

**LABEL IN PART:** (Can) "Matchless Brand Dietetic Pack Contents 7-¾ Oz. \* \* \* Puget Sound Sockeye Salmon \* \* \* No salt added."

**LIBELED:** 10-15-57, Dist. Mass.

**CHARGE:** 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), and, when shipped, its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of the article, and a statement of the number of milligrams of sodium in an average serving of the article.

**DISPOSITION:** 11-13-57. Consent—claimed by Webster-Thomas Co., Boston, Mass., and relabeled.

**24450. Dietetic fudge bar, chocolate-flavored drink mix, and dietetic nougat bar.**  
(F. D. C. No. 38627. S. Nos. 40-123/4 M, 40-126 M.)

**INFORMATION FILED:** 2-6-57, S. Dist. N. Y., against Loeb Dietetic Food Co., Inc., New York, N. Y., and Jules G. Szanton, vice president of the corporation.

**SHIPPED:** Between 11-11-55 and 11-25-55, from New York to Illinois.

**CHARGE:** 403 (a)—the statement "Made without salt" on the labels of the articles was false and misleading; and 403(j)—the labels of the articles failed to show the quantity of sodium in the articles in the manner prescribed by regulations.

**PLEA:** Guilty—by corporation to all three counts of the information, and by the individual to count 1.

**DISPOSITION:** 12-16-57. Corporation—\$250 fine; individual—suspended sentence.



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<sup>1</sup> (24444) Prosecution contested.

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<sup>1</sup> (24444) Prosecution contested.

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# U.S. Department of Health, Education, and Welfare

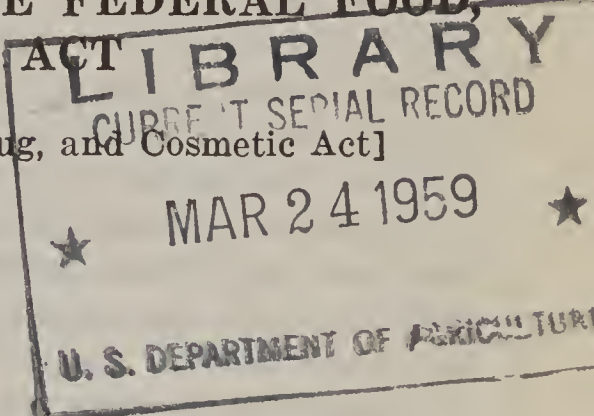
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24451-24550

#### FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere, or upon a finding or a verdict of guilty; and (3) contempt proceedings for violation of an injunction which were terminated with a plea of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and contempt proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *March 2, 1959.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 24451-24550

*Adulteration*, Section 402(a) (1), the article contained an added poisonous or deleterious substance which may have rendered it injurious to health; Section 402(a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; and Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or, the quantity of the pesticide chemical on the article was not within the limits of the tolerance prescribed by the regulations.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and/or (2) an accurate statement of the quantity of contents; Section 403(g) (2), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear the name of the food specified in such standard; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard; Section 403(i) (1), the article was not subject to the provisions of Section 403(g), and its label failed to bear the common or usual name of the food; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL\*

24451. Cornmeal. (F.D.C. No. 41191. S. Nos. 67-709 M, 78-650 M.)

INFORMATION FILED: 6-2-58, E. Dist. Okla., against Boerstler Bros., a partnership, Henryetta, Okla., and Lee Boerstler and C. Ross Boerstler, partners.

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\*See also No. 24487.



**ALLEGED VIOLATION:** Between 10-10-57 and 12-12-57, the defendants caused quantities of cornmeal, while held for sale after shipment in interstate commerce, to be placed in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 6-24-58. Each defendant fined \$50.

**24452. Cornmeal.** (F.D.C. No. 41355. S. No. 16-662 P.)

**QUANTITY:** 116 bales, 25 2-lb. bags each, at Cincinnati, Ohio, in possession of Albers Super Markets, Div. Colonial Stores, Inc.

**SHIPPED:** Between 10-24-57 and 12-19-57, from Newport, Ky.

**LIBELED:** 1-17-58, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-19-58. Default—consumption by animals.

**24453. Cornmeal.** (F.D.C. No. 41268. S. No. 67-709 M.)

**QUANTITY:** 75 25-lb. bags at Henryetta, Okla., in possession of Boerstler Wholesale Grocery.

**SHIPPED:** 11-11-57, from St. Joseph, Mo.

**LIBELED:** 1-7-58, E. Dist. Okla.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-31-58. Default—destruction.

**24454. Cornmeal and dried Great Northern beans.** (F.D.C. Nos. 40715, 40716. S. Nos. 44-358/9 M.)

**QUANTITY:** 63 25-lb. bags of cornmeal and 40 100-lb. bags of dried Great Northern beans at Batesville, Ark., in possession of Sims Grocer Co.

**SHIPPED:** Between 5-13-57 and 7-26-57, from St. Joseph, Mo., and Morrill, Nebr.

**LIBELED:** 8-30-57, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 11-19-57. Default—destruction.

### FLOUR \*

**24455. Pancake flour and buckwheat cake mix.** (F.D.C. No. 40154. S. Nos. 63-259 M, 65-397/8 M.)

**INFORMATION FILED:** 7-29-57, W. Dist. Pa., against Timlin, Inc., Timblin and New Bethlehem, Pa., and Russell T. Snyder, manager of the corporation's Timblin, Pa., mill.

**SHIPPED:** Between 12-5-56 and 1-24-57, from Pennsylvania to New York and Ohio.

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\*See also No. 24487.

**LABEL IN PART:** (Bag) "5 lbs. Net Snyder's Self-Rising Pancake Flour [or "Self-Rising Buckwheat Cake Mix"] A Product of Timlin, Inc. Timblin, Pennsylvania."

**CHARGE:** 402(a)(3)—contained insect fragments, moth wing scales, mites, rodent hair fragments, and insect head capsules; and 402(a)(4)—the buckwheat cake mix and a portion of the pancake flour had been prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 1-14-58. Corporation—\$900 fine, plus costs; individual—\$300 fine, plus probation for 3 years.

**24456. Flour.** (F.D.C. No. 40993. S. Nos. 71-582 M, 79-765 M.)

**QUANTITY:** 105 100-lb. bags at Hills, Iowa.

**SHIPPED:** Between 9-3-57 and 10-22-57, from Minneapolis, Minn., and Kansas City, Kans.

**LIBELED:** 11-14-57, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained insects and rodent urine while held for sale.

**DISPOSITION:** 2-11-58. Consent—claimed by Eldon C. Stutsman, Hills, Iowa. Segregated; 98 bags denatured for use as animal feed.

**24457. Flour.** (F.D.C. No. 40861. S. No. 70-073 M.)

**QUANTITY:** 16 100-lb. bags at Wilkes-Barre, Pa.

**SHIPPED:** 7-12-57 and 8-26-57, from Buffalo, N.Y.

**LIBELED:** 10-16-57, M. Dist. Pa.

**CHARGE:** 402(a)(3)—contained urine while held for sale.

**DISPOSITION:** 11-27-57. Default—destruction.

**24458. Flour.** (F.D.C. No. 40999. S. No. 84-024 M.)

**QUANTITY:** 19 50-lb. bags and 126 25-lb. bags at Pine Bluff, Ark., in possession of Ritchie Grocer Co.

**SHIPPED:** 9-10-57, from Whitewater, Kans.

**LIBELED:** 11-19-57, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-2-58. Default—consumption by animals.

**24459. Flour.** (F.D.C. No. 40983. S. Nos. 84-025/7 M.)

**QUANTITY:** 53 25-lb. bags and 44 50-lb. bags at Jonesboro, Ark., in possession of Puryear Grocer Co.

**SHIPPED:** Between 8-31-57 and 10-3-57, from Arkansas City and Whitewater, Kans.

**LIBELED:** 11-30-57, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-11-58. Default—destruction.

**24460. Flour.** (F.D.C. No. 41244. S. No. 71-595 M.)

**QUANTITY:** 136 100-lb. bags at Sioux City, Iowa, in possession of Pierce Terminal Warehouse Co., Inc.



SHIPPED: 11-16-57, from New Prague, Minn.

LIBELED: 12-23-57, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-18-58. Consent—claimed by International Milling Co., Minneapolis, Minn. Segregated; 400 lbs. destroyed.

**24461. Flour.** (F.D.C. No. 41256. S. No. 89-918 M.)

QUANTITY: 14 100-lb. bags at Denver, Colo., in possession of Knoebel Mercantile Co.

SHIPPED: 11-6-57, from Ogden, Utah.

LIBELED: 1-6-58, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-28-58. Default—consumption by animals.

**24462. Flour.** (F.D.C. No. 40875. S. Nos. 78-255/6 M.)

QUANTITY: 4 bales, 2 25-lb. bags each, and 90 50-lb. bags, at Beatrice, Nebr., in possession of E. S. Stevens Co.

SHIPPED: 8-8-57 and 9-3-57, from Sioux City, Iowa, and Kansas City, Kans.

LIBELED: 10-25-57, Dist. Nebr.

CHARGE: 402(a)(3)—contained rodent urine and insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-5-57. Default—consumption by animals.

**24463. Flour.** (F.D.C. No. 40880. S. Nos. 66-654/5 M.)

QUANTITY: 35 100-lb. bags at Susanville, Calif., in possession of Sunrise Bakery.

SHIPPED: 8-29-57 and 10-5-57, from Spokane and Tacoma, Wash.

LIBELED: 11-4-57, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-21-58. Default—destruction.

**24464. Flour.** (F.D.C. No. 41008. S. No. 65-613 M.)

QUANTITY: 66 bales, 10 5-lb. bags each, at Marietta, Ohio, in possession of C. L. Bailey Grocery Co.

SHIPPED: 10-21-57, from Detroit, Mich.

LIBELED: 11-22-57, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-3-58. Default—consumption by animals.

**24465. Flour.** (F.D.C. No. 41007. S. No. 82-958 M.)

QUANTITY: 136 100-lb. bags at Cincinnati, Ohio, in possession of Ed G. Koehl, Inc.

SHIPPED: 4-3-57, from St. Louis, Mo.

LIBELED: 11-22-57, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-27-57. Consent—claimed by Ed. G. Koehl, Inc., and denatured for use as wallpaper paste.

**24466. Flour.** (F.D.C. No. 40998. S. Nos. 84-021/2 M.)

**QUANTITY:** 98 25-lb. bags at McGehee, Ark., in possession of R. A. Adcock & Sons Co.

**SHIPPED:** 9-20-57, from Wichita Falls, Tex.

**LIBELED:** 11-20-57, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-2-58. Default—consumption by animals.

**24467. Flour.** (F.D.C. No. 40748. S. No. 72-375 M.)

**QUANTITY:** 50 100-lb. bags at Minneapolis, Minn.

**SHIPPED:** 9-4-57, from Chicago, Ill. This was a return shipment.

**LIBELED:** 9-24-57, Dist. Minn.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 11-8-57. Default—consumption by animals.

**24468. Flour.** (F.D.C. No. 40749. S. No. 73-588 M.)

**QUANTITY:** 89 50-lb. bags at Denver, Colo., in possession of Associated Grocers of Colorado, Inc.

**SHIPPED:** 5-9-57, from Ogden, Utah.

**LIBELED:** 9-20-57, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 11-6-57. Default—consumption by animals.

**24469. Flour.** (F.D.C. No. 40790. S. Nos. 31-597/8 M.)

**QUANTITY:** 77 100-lb. bags at Columbus, Ohio, in possession of Monarch Finer Foods.

**SHIPPED:** Between 5-10-57 and 5-27-57, from Wichita, Kans.

**LIBELED:** 10-15-57, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained insects and rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-4-57. Consent—claimed by Monarch Finer Foods and denatured for use in the manufacture of paste.

**24470. Flour.** (F.D.C. No. 40782. S. No. 44-605 M.)

**QUANTITY:** 296 25-lb. bags at El Dorado, Ark.

**SHIPPED:** 7-24-57, from Greenville, Tex.

**LIBELED:** 10-8-57, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine while held for sale.

**DISPOSITION:** 12-17-57. Default—consumption by animals.

**24471. Flour.** (F.D.C. No. 40778. S. No. 73-512 M.)

**QUANTITY:** 29 100-lb. bags at Colorado Springs, Colo., in possession of Robinson Grain Co.



SHIPPED: 8-16-57 and 9-10-57, from Twin Falls, Idaho.

LIBELED: 10-8-57, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-26-57. Default—delivered to a Federal institution, for use as hog feed.

### MACARONI AND NOODLE PRODUCTS

24472. Egg noodles. (F.D.C. No. 40486. S. Nos. 48-767/9 M, 53-617 M.)

INFORMATION FILED: 2-25-58, N. Dist. Ill., against G. D'Amico Macaroni Co., a corporation, Steger, Ill., and Carl D'Amico, president, treasurer, and manager of the corporation.

SHIPPED: Between 7-8-57 and 7-17-57, from Illinois to Michigan and Texas.

LABEL IN PART: (Case) "Net Weight 10 Lb. Mamma Mia Brand Fine Egg Noodles [or "Med. Nested Egg Noodles" or "Wide Egg Noodles"] Manufactured by G. D'Amico Macaroni Co. Steger, Illinois" or "Monarch 7 -57 Medium Consolidated Foods Corporation River Grove, Illinois."

CHARGE: 402(a)(3)—contained insects, insect fragments, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-6-58. Corporation—\$500 fine, plus costs; individual—\$500 fine.

24473. Noodles and spaghetti. (F.D.C. No. 40989. S. Nos. 24-090/3 M.)

QUANTITY: 81 10-lb. cases of noodles and 31 20-lb. cases of spaghetti at Tucson, Ariz., in possession of Southwestern Wholesale Grocery Co.

SHIPPED: 2-14-57, from Fresno, Calif.

LIBELED: 12-5-57, Dist. Ariz.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-24-58. Default—destruction.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

24474. Bulk yellow corn. (F.D.C. No. 40872. S. No. 446 M.)

QUANTITY: 5,000 bushels at Allensville, Ky.

SHIPPED: On 6-14-57, 700 bushels of the above-mentioned quantity of corn were shipped from New Albany, Ind., by Garrison Elevator Co., Inc.

RESULTS OF INVESTIGATION: The 700 bushels of corn which were shipped as described above were intermingled with 4,300 bushels of Kentucky grown corn.

LIBELED: 10-22-57, W. Dist. Ky.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, it contained a pesticide chemical, namely, thiram, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on corn has been prescribed.

DISPOSITION: 12-17-57. Default—destruction.

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\*See also Nos. 24455, 24531.

**24475. Unpopped popcorn.** (F.D.C. No. 41000. S. No. 75-720 M.)

QUANTITY: 249 100-lb. bags at Los Angeles, Calif., in possession of Farmer's Grain & Milling Co.

SHIPPED: 8-8-57, from Hamburg, Iowa.

LIBELED: 11-22-57, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects and insect excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-30-57. Consent—claimed by Farmer's Grain & Milling Co. Reconditioned; 200 lbs. destroyed.

**24476. Unpopped popcorn.** (F.D.C. No. 40383. S. No. 79-786 M.)

QUANTITY: 108 75-lb. bags at Minneapolis, Minn., in possession of T. W. Barnard, t/a Barnard Popcorn Supply.

SHIPPED: 5-28-57, from Ute, Iowa.

LIBELED: 7-25-57, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent urine and rodent-gnawed kernels; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-14-57. Consent—claimed by T. W. Barnard. Segregated; 364 lbs. destroyed.

**24477. Rice.** (F.D.C. No. 40365. S. Nos. 76-978/80 M.)

QUANTITY: 58 bales, 60 1-lb. bags each, 57 bales, 30 2-lb. bags each, and 43 bales, 60 1-lb. bags each, at Macon, Ga., in possession of Timberlake Grocery Co.

SHIPPED: Between 3-21-57 and 5-23-57, from Abbeville, La.

LIBELED: 6-28-57, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, rodent pellets, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-10-57. Consent—claimed by Timberlake Grocery Co. Segregated; 352 lbs. denatured for use as chickenfeed.

**24478. Rice.** (F.D.C. No. 40682. S. No. 69-012 M.)

QUANTITY: 50 100-lb. bags at Freeport, N.Y., in possession of Li Kin Co., Inc.

SHIPPED: 8-15-57, from El Campo, Tex.

LIBELED: 10-14-57, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-14-57. Default—destruction.

**24479. Rice.** (F.D.C. No. 40681. S. No. 76-095 M.)

QUANTITY: 28 100-lb. bags at Cambridge, Mass., in possession of Hung's Food Products Co.

SHIPPED: 8-7-57, from Houston, Tex.

LIBELED: 10-4-57, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-18-57. Default—consumption by animals.



24480. Rice. (F.D.C. No. 40793. S. No. 79-862 M.)

QUANTITY: 28 25-lb. bags at Thief River Falls, Minn.

SHIPPED: 8-9-57, from Stuttgart, Ark.

LIBELED: 10-16-57, Dist. Minn.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 12-2-57. Default—consumption by animals.

24481. Rice and dried red kidney beans. (F.D.C. No. 40850. S. Nos. 69-836/7 M.)

QUANTITY: 458 100-lb. bags of rice and 293 100-lb. bags of dried red kidney beans at Philadelphia, Pa.

SHIPPED: Between 5-6-57 and 7-31-57, from Crowley, La., and Oakfield, N.Y.

LIBELED: 10-18-57, E. Dist. Pa.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 2-11-58. Consent—claimed by Jacob Kauffman, Philadelphia, Pa. Segregated; 130 lbs. rice destroyed and 100 lbs. red kidney beans disposed of for use as animal feed.

24482. Wheat. (F.D.C. No. 40422. S. Nos. 20-860 M, 34-464 M, 34-466 M, 58-280 M, 77-930 M.)

INFORMATION FILED: 1-7-58, Dist. Nebr., against Bruning Mills, Inc., Bruning, Nebr.

SHIPPED: Between 4-3-57 and 4-19-57, the defendants caused wheat to be delivered at Bruning, Nebr., for introduction into interstate commerce.

CHARGE: 402(a) (3)—contained insect-damaged kernels and rodent excreta when shipped.

PLEA: Nolo contendere.

DISPOSITION: 1-24-58. Corporation—\$500 fine.

24483. Wheat. (F.D.C. No. 41111. S. No. 67-697 M.)

QUANTITY: 120,000 lbs. at North Kansas City, Mo.

SHIPPED: 11-19-57, from De Witt, Nebr., by Norton Elevator.

LIBELED: 12-2-57, W. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 12-6-57. Consent—claimed by Norton Elevator. Segregated; 5,450 lbs. found unfit.

24484. Wheat. (F.D.C. No. 41009. S. No. 86-906 M.)

QUANTITY: 115,200 lbs. at Atchison, Kans.

SHIPPED: 11-7-57, from Marion, Nebr., by Morrison-Gregg Mitchell Grain Co.

LIBELED: 11-25-57, Dist. Kans.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 12-27-57. Consent—claimed by Morrison-Gregg Mitchell Grain Co. and reconditioned by scouring and washing, with the result that 6,940 lbs. were destroyed.

24485. Wheat. (F.D.C. No. 41006. S. No. 71-140 M.)

QUANTITY: 107,400 lbs. at Duluth, Minn.

SHIPPED: 11-6-57, from Niagara, N. Dak., by Niagara Cooperative Elevator Co.

LIBELED: 11-22-57, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 11-29-57. Consent—claimed by Niagara Cooperative Elevator Co. Segregated; 3,536 lbs. converted into animal feed.

24486. Wheat. (F.D.C. No. 40394. S. Nos. 83-362 M, 84-703 M.)

QUANTITY: 100,800 lbs. at South Milford, Ind.

SHIPPED: 7-19-57, from South Milford, Ind., by Home Grain Co. to Toledo, Ohio, and returned on 7-24-57.

LIBELED: 7-31-57, N. Dist. Ind.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and contained a pesticide chemical, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 11-1-57. Consent—claimed by Home Grain Co. Portion converted into glue flour and remainder destroyed.

24487. Doughnut mix, flour, rice, cornmeal, and rolled oats. (F.D.C. No. 40610. S. Nos. 55-199/200 M, 55-786 M, 65-561/2 M, 65-565/6 M, 65-568 M, 65-570/1 M.)

INFORMATION FILED: 2-12-58, E. Dist. Ky., against Justin M. Schneider, t/a Central Sales, Covington, Ky.

ALLEGED VIOLATION: Between 6-6-57 and 6-13-57, while quantities of doughnut mix, flour, rice, cornmeal, and rolled oats were held for sale after shipment in interstate commerce, the defendant caused quantities of the articles to be placed in a building that was accessible to dirt, insects, birds, and rodents, and to be exposed to contamination by dirt, insects, birds, and rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained one or more of the following: confused flour beetles, sawtooth grain beetles and larvae, cadelle beetles and larvae, cinders, fibers, fine black dust, bird excreta, moth and weevil larvae, insect fragments, rodent hairs, flat grain beetle larvae, lesser grain borer larvae, rodent urine, mouse or rat excreta pellets, or hairy fungus beetles; and 402(a)(4)—held under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 4-21-58. On 4-22-58, the defendant was found guilty and fined \$1,000, plus costs.

24488. Doughnut mix. (F.D.C. No. 40773. S. No. 84-111 M.)

QUANTITY: 7 40-lb. boxes at St. Louis, Mo.

SHIPPED: 8-12-57, from Jackson, Mich.

LIBELED: 10-7-57, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-4-57. Default—destruction.



**24489. Baking mixes.** (F.D.C. No. 40767. S. Nos. 64-845/6 M, 64-848 M.)

**QUANTITY:** 3 bulk bags, 6 5-lb. bags each, of Breader Mix, 18 bulk bags, 6 5-lb. bags each, of gingerbread mix, and 36 bulk bags, 6 6-lb. bags each, of hot roll mix at Binghamton, N.Y.

**SHIPPED:** On an unknown date, from Minneapolis, Minn.

**LIBELED:** 10-2-57, N. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-14-57. Default—destruction.

## DAIRY PRODUCTS

### BUTTER

**24490. Butter.** (F.D.C. No. 41161. S. No. 67-762 M.)

**INFORMATION FILED:** 3-24-58, S. Dist. Iowa, against Cudahy Packing Co., a corporation, Bedford, Iowa, and Harold A. Guenther, manager of the corporation's Bedford plant.

**SHIPPED:** 7-16-57, from Iowa to Missouri.

**CHARGE:** 402(a) (3)—contained a decomposed substance by reason of the use of decomposed cream in the preparation of the article.

**PLEA:** Nolo contendere.

**DISPOSITION:** 6-5-58. Corporation fined \$500, plus costs, and individual \$10.

**24491. Butter.** (F.D.C. No. 41166. S. No. 72-507 M.)

**INFORMATION FILED:** 4-1-58, Dist. N. Dak., against Foremost Dairies, Inc., Mandan, N. Dak., and John F. Danz, manager, and Clifford Norby, superintendent, of the corporation's Mandan plant.

**SHIPPED:** 8-7-57, from North Dakota to Illinois.

**CHARGE:** 402(a) (3)—contained a filthy substance by reason of the presence of insect fragments and by reason of the use of filthy cream in the preparation of the article.

**PLEA:** Guilty.

**DISPOSITION:** 6-6-58. Corporation fined \$800 and each individual \$200.

**24492. Butter.** (F.D.C. No. 40015. S. No. 52-651 M.)

**INFORMATION FILED:** 7-29-57, Dist. Kans., against Washington County Cooperative Creamery Co., a corporation, Linn, Kans., and Le Roy Van Dalsem, secretary-treasurer of the corporation.

**SHIPPED:** 9-10-56, from Kansas to New York.

**LABEL IN PART:** (Ctn.) "Butter Distributed by Breakstone Bros. Inc., N.Y. 103 Salted 5."

**CHARGE:** 402(a) (3)—contained a decomposed substance by reason of the use of decomposed cream in the manufacture of the article.

**PLEA:** Nolo contendere.

**DISPOSITION:** 3-17-58. Corporation fined \$100, plus costs.

**24493. Butter.** (F.D.C. No. 41180. S. No. 61-754 M.)

**INFORMATION FILED:** 4-17-58, S. Dist. Ohio, against Beatrice Foods Co., a corporation, Cincinnati, Ohio.

SHIPPED: 7-19-57, from Ohio to West Virginia.

LABEL IN PART: (Ctn.) "Four Prints Meadow Gold Butter One Pound Net Weight Distributed by Beatrice Foods Co. Chicago, Illinois."

CHARGE: 402(a)(3)—contained a decomposed substance by reason of the use of decomposed cream in the manufacture of the article.

PLEA: Guilty.

DISPOSITION: 5-9-58. \$1,000 fine.

24494. Butter. (F.D.C. No. 40808. S. No. 83-967 M.)

QUANTITY: 163 32-lb. boxes, plus 657 lbs., at St. Louis, Mo.

SHIPPED: On 9-1-57, quantities of cream were shipped from various places in the States of Arkansas, Illinois, Kentucky, Mississippi, and Tennessee.

RESULTS OF INVESTIGATION: The cream which was shipped as described above was used in the manufacture of butter.

LIBELED: 9-13-57, E. Dist. Mo.

CHARGE: 402(a)(3)—the above-mentioned cream consisted in part of a decomposed substance when shipped.

DISPOSITION: 9-25-57. Consent—claimed by Aro Dairy Co., St. Louis, Mo., and converted into butter oil.

### CHEESE

24495. Cheese. (F.D.C. No. 41158. S. Nos. 40-170 M, 40-174 M.)

INFORMATION FILED: 3-18-58, N. Dist. Ill., against Farmers' Milk Products Co., a corporation, Tonica, Ill., Joseph A. O'Berto, president, and John J. Hayes, manager.

SHIPPED: 10-16-57 and 10-24-57, from Illinois to Wisconsin.

CHARGE: 402(a)(3)—contained a filthy substance by reason of the use of filth-contaminated milk in the preparation of the article.

PLEA: Guilty.

DISPOSITION: 4-10-58. Corporation fined \$400, plus costs; each individual fined \$300.

24496. Cheese. (F.D.C. No. 40867. S. No. 80-052 M.)

QUANTITY: 26 boxes at Boscobel, Wis.

SHIPPED: 9-23-57, from Burt, Iowa, by Elm Grove Cheese Factory.

LIBELED: 10-18-57, W. Dist. Wis.

CHARGE: 402(a)(3)—contained insect fragments, manure fragments, and rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 11-18-57. Default—denatured for use as fish bait.

### FEEDS AND GRAINS

24497. Alfalfa meal. (F.D.C. No. 41151. S. No. 17-546 M.)

INFORMATION FILED: 4-21-58, Dist. Kans., against National Alfalfa Dehydrating & Milling Co., a corporation, Garden City, Kans.

SHIPPED: 7-18-57, from Kansas to Maryland.



**LABEL IN PART:** (Bag) "Jack Rabbit Dehydrated Alfalfa Leaf Granules  
Guaranteed Analysis Crude Protein, Not Less than 20.0 Per Cent Crude Fat,  
Not Less Than 2.5 Per Cent Crude Fibre, Not More Than 18.0 Per Cent 100  
Lbs. Net National Alfalfa Dehydrating & Milling Co. Lamar, Colorado."

**CHARGE:** 402(b)(2)—when shipped, a food containing less than 20 percent of protein and more than 18 percent of fiber had been substituted for a food containing 20 percent of protein and 18 percent of fiber, which the article was represented to be; and 403(a)—the label statement "Guaranteed Analysis Crude Protein, Not Less Than 20.0 Per Cent \* \* \* Crude Fibre, Not More Than 18.0 Per Cent" was false and misleading.

**PLEA:** Guilty.

**DISPOSITION:** 4-21-58. \$50 fine.

**24498. Alfalfa meal.** (F.D.C. No. 40840. S. No. 17-551 M.)

**QUANTITY:** 400 50-lb. bags at Gaithersburg, Md.

**SHIPPED:** 7-22-57, from Booth, Ohio, by Cummings Schooler Co.

**LABEL IN PART:** "Vit-A-Green Supreme 17/27 Leafy Irish Brand Pure Dehydrated Alfalfa Meal."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained an average of 14.92 percent of crude protein and an added fat or oil ingredient.

**LIBELED:** 10-15-57, Dist. Md.

**CHARGE:** 402(b)(1)—a valuable constituent, protein, had been in part omitted or abstracted from the article when shipped; 403(a)—the label statement "Crude Protein, not less than 17.00%" was false and misleading; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient.

**DISPOSITION:** 10-30-57. Consent—claimed by Cummings Schooler Co. and relabeled.

**24499. Sheep Range Wafers and Cattle Range Wafers.** (F.D.C. No. 40010. S. Nos. 25-476 M, 25-478 M.)

**INFORMATION FILED:** 5-28-57, Dist. S. Dak., against Sharp Milling Co., a corporation, Sioux Falls, S. Dak.

**SHIPPED:** Between 10-29-55 and 2-8-56, from South Dakota to Montana.

**LABEL IN PART:** (Tag on bags of cattle range wafers) "100 Lbs. Net 40% Green Range Wafers Guaranteed Analysis Crude Protein 40% (the protein contains not more than 13.3% equivalent crude protein from non protein Nitrogen) Manufactured For Beerman Bros. Dehy Dakota City, Nebr."

**RESULTS OF INVESTIGATION:** The Sheep Range Wafers were shipped in unlabeled bags.

**CHARGE:** Cattle Range Wafers. 402(a)(1)—contained, when shipped, urea equivalent to more than one-third of the total crude protein, a poisonous and deleterious substance, which may render the article injurious to health; and 403(a)—the statement on the label "Crude Protein 40% (the protein contains not more than 13.3% equivalent crude protein from non protein Nitrogen)" was false and misleading since the article contained 19 percent nitrogen from nonprotein sources.

Sheep Range Wafers. 403(e)—the article, when shipped, failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of

contents; and 403(i)—the article failed to bear a label containing (1) the common or usual name of the food and (2) the common or usual name of each ingredient.

PLEA: Guilty.

DISPOSITION: 1-3-58. \$300 fine.

### FISH AND SHELLFISH

**24500. Frozen dressed ciscoes and frozen whitefish.** (F.D.C. No. 40152. S. Nos. 41-527 M, 41-669 M, 41-684/5 M.)

INFORMATION FILED: 2-10-58, E. Dist. Mich., against J. Kozloff Fish Distributors, Inc., Detroit, Mich.

SHIPPED: Between 2-14-56 and 8-6-56, from Michigan to Pennsylvania and New York.

LABEL IN PART: (Ctn.) "Product of Canada Last Mountain Lake, Sask. Shipper: Sask. Fish Marketing Service Prince Albert, Sask. 12850 Dsd. Ciscoes"; (box) "Product of Canada Reindeer Lake Shipper: Sask. Fish Marketing Service Prince Albert, Sask. 13624 Dsd. Large Whitefish," "Product of Canada Reindeer Lake Manitoba 604 Jumbo Dsd. Whitefish," "Reindeer Lake Sask. Fish Marketing Service Prince Albert, Sask. Dsd. Jumbo Whitefish 100 Lbs. Net 13624," or "Dsd. Large Whitefish Reindeer Lake Sask. Fish Marketing Service Prince Albert, Sask. 100 Lbs. Net 13624."

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

PLEA: Guilty.

DISPOSITION: 5-28-58. \$3,000 fine.

**24501. Whitefish.** (F.D.C. No. 40100. S. Nos. 4-878/9 M.)

QUANTITY: 45 60-lb. boxes of large whitefish and 35 50-lb. boxes of jumbo whitefish at Chicago, Ill.

SHIPPED: Prior to 2-18-57, from Winnipeg, Canada, by Canadian Fish Producers, Inc.

LABEL IN PART: (Box) "Product of Canada—Big Stone Lake Cert. #5720 Northland Fish, Ltd., Winnipeg."

LIBELED: 3-14-57, N. Dist. Ill.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 2-21-58. Default—destruction.

**24502. Frozen cod fillets.** (F.D.C. No. 40694. S. Nos. 51-367/8 M.)

QUANTITY: 363 cases, each case containing 6 9½-lb. slabs, at Los Angeles, Calif.

SHIPPED: 8-1-57, from New York, N.Y., by Osan Supply Co.

LABEL IN PART: "Primo Cod Blocks 6/9½'s Packed by St. Lawrence Sea Products Co., Quebec, P.Q., Canada, Product of Canada."

LIBELED: 10-17-57, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed fillets when shipped.

DISPOSITION: 12-17-57 and 12-30-57. Consent—claimed by Frigid Transfer, Inc., Jersey City, N.J. Segregated; 10,515 lbs. denatured for use as fertilizer.



**24503. Frozen haddock fillets.** (F.D.C. No. 39453. S. Nos. 23-690/1 M, 23-693 M, 49-913 M.)

**QUANTITY:** 190 cases, 30 lbs. each, 27 cases, 50 lbs. each, and 42 ctns., 6 5-lb. boxes each, at Providence, R.I.

**SHIPPED:** Between 4-3-56 and 6-2-56, from Fortune Bay, Newfoundland, by Fortune Bay Products, Ltd.

**LABEL IN PART:** (Wrapper) "5 pounds Net Uniform Fillets Glazed Haddock Fortune Bay Product of Canada," "Haddock Fillets \* \* \* Fortune Bay \* \* \* Product of Canada \* \* \* 5 Pounds Net," "Uni-Form Glazed Fish Fillets A Product of Canada \* \* \* Sea Pak Net Weight 5 Pounds \* \* \* Haddock," or "Sea Pak Net Weight 5 pounds \* \* \* Haddock \* \* \* Uni-Form Glazed Fish Fillets A Product of Canada."

**LIBELED:** 9-11-56, Dist. R.I.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 2-8-57. Default—sold to the highest bidder, who processed the fish into fishmeal.

**24504. Canned tuna.** (F.D.C. No. 40849. S. No. 76-178 M.)

**QUANTITY:** 32 cases, 12 cans each, at Augusta, Maine.

**SHIPPED:** 10-2-56, from Newton Center, Mass., by E. Sherman Co.

**LABEL IN PART:** (Can) "Solid Pack 5 Stars Brand Fancy Tuna Fish \* \* \* Packed by Mampeza Industrial, Lda. Benguela-Angola Net Contents 66½ Oz. Product of Angola Portuguese West Africa Specially for F. Currito."

**LIBELED:** 10-18-57, Dist. Maine.

**CHARGE:** 402(a) (3)—contained decomposed tunafish when shipped.

**DISPOSITION:** 12-13-57. Default—destruction.

**24505. Crabmeat.** (Inj. No. 254.)

**PETITION FILED:** On 1-2-58, in the Southern District of Mississippi, the United States attorney filed a petition for an order to show cause why John P. Lowe, t/a Pascagoula Crab Co., Pascagoula, Miss., should not be punished for criminal contempt of the permanent injunction which had been entered against the Pascagoula Crab Co. and John P. Lowe on 10-3-52. (Notice of judgment on food, No. 19635.)

**CHARGE:** The petition alleged that, following the entry of the injunction, the defendant had shipped in interstate commerce, within the period from 7-24-57 to 7-30-57, from Pascagoula, Miss., to Chicago, Ill., New Orleans, La., Birmingham, Ala., and Houston, Tex., quantities of crabmeat which were adulterated under 402(a) (3) in that they were contaminated with *Escherichia coli*, bacteria of fecal origin, and under 402(a) (4) in that they had been prepared and packed under insanitary conditions; and that such acts constituted contempt of the injunction.

**PLEA:** Guilty.

**DISPOSITION:** 3-3-58. \$50 fine.

**24506. Crabmeat.** (F.D.C. No. 40500. S. No. 53-410 M.)

**QUANTITY:** 52 1-lb. cans at Houston, Tex.

**SHIPPED:** 7-25-57, from Pascagoula, Miss., by Pascagoula Crab Co.

**LABEL IN PART:** "Pascagoula Crab Company Crabmeat \* \* \* All-Lump [or "Special"]."

**LIBELED:** 7-30-57, S. Dist. Tex.

**CHARGE:** 402(a)(3)—contained *E. coli* of fecal origin; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 11-14-57. Default—destruction.

**24507. Oysters.** (F.D.C. No. 40419. S. No. 71-653 M.)

**QUANTITY:** 438 cases, 24 8-oz. cans each, at Chariton, Iowa.

**SHIPPED:** 3-15-57 and 4-2-57, from Biloxi, Miss., by De Jean Packing Co.

**LABEL IN PART:** (Can) "De Jean's My T Good Brand Broken Cove Oysters."

**LIBELED:** 8-14-57, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained marine worms when shipped; 403(a)—the vignette on the label showing whole oysters was misleading as applied to the article, which consisted of pieces of oysters; and 403(g)(2)—the article purported to be canned pieces of oysters, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear the name of the food specified in the definition and standard.

**DISPOSITION:** 10-25-57. Consent—claimed by De Jean Packing Co. Segregated; 160 part cases of the article destroyed and 283 full cases plus ½ case, relabeled.

**24508. Frozen shrimp.** (F.D.C. No. 40731. S. No. 74-022 M.)

**QUANTITY:** 23 cases, 12 pkgs. each, at Portland, Oreg.

**SHIPPED:** 4-4-57, from Seattle, Wash., by Sea Pak Corp.

**LABEL IN PART:** (Pkg.) "Sea Pak Quik Cook Shrimp Net Wt. 8 Oz."

**RESULT OF INVESTIGATION:** Examination showed that the article contained added water in the form of ice, and that the weight of the thawed shrimp was approximately 3.88 percent less than 8 ozs.

**LIBELED:** 11-20-57, Dist. Oreg.

**CHARGE:** 402(b)(2)—water in the form of ice had been substituted in part for shrimp when shipped; 402(b)(4)—water in the form of ice had been added to, and packed with, the article so as to increase its bulk or weight; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-4-58. Default—delivered to a charitable institution for its use.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**24509. Canned cherries.** (F.D.C. No. 40847. S. Nos. 74-235/6 M.)

**QUANTITY:** 126 cases, 6 #10-size cans each, at Auburn, Wash.

**SHIPPED:** 7-19-57 and 8-21-57, from Columbus, Ohio.

**RESULTS OF INVESTIGATION:** The above-described quantity of the article was damaged in transit.

**LIBELED:** 10-23-57, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale; and 403(e)(1) and (2)—the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents.



DISPOSITION: 1-8-58. Default—destruction.

**24510. Canned peaches.** (F.D.C. No. 40865. S. No. 53-478 M.)

QUANTITY: 197 cases, 24 cans each, at Columbia, Miss.

SHIPPED: 8-15-57, from Andersonville, Ga., by Easterlin Packing Co.

LABEL IN PART: (Can) "Flint River Yellow Freestone Halves Peaches \* \* \*  
Contents 1 Lb. 13 Oz."

LIBELED: 10-21-57, S. Dist. Miss.

CHARGE: 403(h)(1)—the quality of the article, when shipped, fell below the standard of quality for canned peaches because of hardness, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: 11-25-57 and 12-11-57. Default—delivered to a public institution.

### DRIED FRUIT

**24511. Raisins.** (F.D.C. No. 39842. S. Nos. 28-911 M, 28-932/4 M.)

INFORMATION FILED: 6-26-57, N. Dist. Calif., against Modesto Dry Yard, Inc., Modesto, Calif.

ALLEGED VIOLATION: On 10-12-56, the defendant gave to a firm engaged in the business of shipping raisins in interstate commerce, a guaranty to the effect that food shipped by the defendant under the guaranty would not be adulterated or misbranded.

Between 10-18-56 and 10-24-56, the defendant caused to be shipped to the holder of the guaranty, at Selma, Calif., quantities of raisins which were adulterated.

CHARGE: 402(a)(3)—contained insect and rodent filth; and 402(a)(4)—prepared, packed, and held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-26-57. \$400 fine.

### VEGETABLES AND VEGETABLE PRODUCTS\*

**24512. Dried beans.** (F.D.C. No. 41326. S. Nos. 49-213/4 M.)

QUANTITY: 1,764 100-lb. bags at Chicago, Ill., in possession of Armour & Co.

SHIPPED: Between 8-1-57 and 11-13-57, from Buhl, Idaho, and Morrill and Gering, Nebr.

LIBELED: 1-8-58, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-22-58. Consent—claimed by Armour & Co. Segregated; 231 bags converted into animal feed.

**24513. Canned cut green beans.** (F.D.C. No. 41234. S. No. 86-503 M.)

QUANTITY: 70 cases, 6 cans each, at Kansas City, Mo.

SHIPPED: 7-9-57, from Fort Smith, Ark., by Good Canning Co.

LABEL IN PART: (Can) "Dependable Brand Cut Green Beans Contents 15½ Oz."

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\*See also Nos. 24454, 24481.

RESULTS OF INVESTIGATION: Examination showed that the article contained excess fiber and that it was packed in 6-pound cans labeled as containing 15½ ounces.

LIBELED: On or about 12-19-57, W. Dist. Mo.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(h)(1)—the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: 1-31-58. Default—delivered to a county institution for its use and not for sale.

24514. Canned cut green beans. (F.D.C. No. 41233. S. No. 86-501 M.)

QUANTITY: 23 cases, 6 cans each, at Kansas City, Mo.

SHIPPED: 10-24-57, from Denton, Tex., by Whitson Food Products Co.

LABEL IN PART: (Can) "Camp Fire Brand Cut Green Beans Contents 15½ Oz."

RESULTS OF INVESTIGATION: Examination showed that the article contained excess fiber and that it was packed in 6-pound cans labeled as containing 15½ ounces.

LIBELED: On or about 12-19-57, W. Dist. Mo.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(h)(1)—the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: 1-31-58. Default—delivered to a county institution for its use and not for sale.

24515. Dried kidney beans. (F.D.C. No. 39296. S. No. 28-727 M.)

QUANTITY: 861 100-lb. bags at San Juan, P.R.

SHIPPED: 6-19-56, from Stockton, Calif.

LABEL IN PART: (Bag) "California Kidney Beans" or "36-Cut-43 Black Stripe."

RESULTS OF INVESTIGATION: Examination showed that the article had been stored under insanitary conditions in the Wilbur-Ellis Co. warehouse, Stockton, Calif.

LIBELED: 7-18-56, Dist. P.R.

CHARGE: 402(a)(3)—contained urine when shipped; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-14-56. Consent—claimed by Mendez & Co., Inc., San Juan, P.R. Segregated; 158 bags found to be contaminated were returned to San Francisco for salvaging under the supervision of the Food and Drug Administration.

24516. Canned green lima beans. (F.D.C. No. 40665. S. No. 77-004 M.)

QUANTITY: 241 cases, 24 cans each, at Atlanta, Ga.



**SHIPPED:** 4-17-57, from Milford, Del., by Draper Food Products, Inc.

**LABEL IN PART:** (Can) "Brakeley \* \* \* Contents 1 Lb. Luxury Small Green Lima Beans."

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing chemical decomposition.

**LIBELED:** 9-26-57, N. Dist. Ga.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** 1-13-58. Default—destruction.

**24517. Dried lima beans.** (F.D.C. No. 40666. S. No. 66-474 M.)

**QUANTITY:** 367 100-lb. bags at Atlanta, Ga.

**SHIPPED:** 8-27-57, from King City, Calif., by Commodity Credit Corp.

**LIBELED:** 9-30-57, N. Dist. Ga.

**CHARGE:** 402(a)(3)—contained rodent urine when shipped.

**DISPOSITION:** 12-12-57 and 1-22-58. Default—consumption by animals.

**24518. Dried pink beans.** (F.D.C. No. 39292. S. No. 28-617 M.)

**QUANTITY:** 290 100-lb. bags at San Juan, P.R.

**SHIPPED:** 5-23-56, from Stockton, Calif.

**LABEL IN PART:** (Bag) "Rec Pinks \* \* \* KB/17107/PR."

**RESULTS OF INVESTIGATION:** Examination showed that the article had been stored under insanitary conditions in the Hi & Dry Warehouse, Sutter, Calif.

**LIBELED:** 7-2-56, Dist. P.R.

**CHARGE:** 402(a)(3)—contained rodent urine when shipped; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 8-14-56. Consent—claimed by Mendez & Co., Inc., San Juan, P.R. Segregated; 15 bags found to be contaminated were returned to Stockton, Calif., for salvaging under the supervision of the Food and Drug Administration.

**24519. Dried black-eyed peas.** (F.D.C. No. 41002. S. No. 77-110 M.)

**QUANTITY:** 47 cases, 6 66-oz. bags each, at Macon, Ga., in possession of Timberlake Grocery Co.

**SHIPPED:** 8-30-57 and 9-27-57, from Indianapolis, Ind.

**LIBELED:** 11-19-57, M. Dist. Ga.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-13-58. Default—destruction.

**24520. Canned peas and carrots.** (F.D.C. No. 39996. S. Nos. 14-793/4 M.)

**INFORMATION FILED:** 5-10-57, Dist. Utah, against Eddington Canning Co., a corporation, Springville, Utah, and W. R. Eddington, president of the corporation.

**SHIPPED:** 2-7-56, from Utah to California.

**LABEL IN PART:** (Can) "Sun-Blest Contents 1 Lb. or 454 Grams Sweet Peas & Carrots Tiedemann & McMorran Inc., Distributors, San Francisco & Sacramento."

**CHARGE:** 402(a)(3)—contained a whole mouse and rodent hairs when shipped.

**PLEA:** Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 11-25-57. On 11-26-57, the jury returned a verdict of guilty as to both defendants; and, on 11-27-57, the court fined the corporation \$1,000 and sentenced the individual to 1 year in jail. The court suspended the jail sentence against the individual and placed him on probation for 1 year.

24521. Canned sweetpotatoes. (F.D.C. No. 40745. S. No. 71-564 M.)

QUANTITY: 27 cases, 12 3-lb. cans each, at Minneapolis, Minn.

SHIPPED: 11-21-56, from Pocomoke City, Md.

LIBELED: 9-24-57, Dist. Minn.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 11-8-57. Default—destruction.

24522. Fresh spinach. (F.D.C. No. 41114. S. No. 82-128 M.)

QUANTITY: 250 1-bushel baskets at Detroit, Mich.

SHIPPED: 11-20-57, from Crystal City, Tex., by Warren Wagner Shed.

LIBELED: On or about 12-2-57, E. Dist. Mich.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, DDT, which is unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 12-2-57. Consent—destruction.

24523. Frozen onion rings. (F.D.C. No. 41253. S. No. 65-211 M.)

QUANTITY: 87 cases, 12 pkgs. each, at Muncie, Ind.

SHIPPED: 10-14-57, from Chicago, Ill., by Frost-Dale Farms, Inc.

LABEL IN PART: (Pkg.) "Frost-Dale Farms Prepared Onion Rings \* \* \* Net Weight 1 Lb."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 1-3-58, S. Dist. Ind.

CHARGE: 403(e)(2)—the label of the article failed to bear an accurate statement of the quantity of contents when shipped.

DISPOSITION: 5-14-58. Consent—delivered to a charitable institution.

## NUTS

24524. Unshelled almonds. (F.D.C. No. 41207. S. No. 67-981 M.)

QUANTITY: 42 25-lb. bags at Tulsa, Okla., in possession of Hodges Warehouse Corp.

SHIPPED: 10-10-57, from Sacramento, Calif.

LIBELED: 12-9-57, N. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine and rat and mouse excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-16-58. Consent—claimed by Hodges Warehouse Corp. Segregated; 25 25-lb. bags diverted for use as animal feed.

24525. Shelled almonds. (F.D.C. No. 40857. S. Nos. 68-934 M, 69-249/50 M.)

QUANTITY: 275 100-lb. bags at Brooklyn, N.Y.



SHIPPED: Between 1-13-56 and 1-23-57, from Yuba City, Paso Robles, Sacramento, and Harter, Calif.

LIBELED: 10-24-57, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 11-15-57. Consent—claimed by Joseph E. Haas, Inc., New York, N.Y. Segregated; 1,021 lbs. destroyed.

24526. Shelled brazil nuts. (F.D.C. No. 40990. S. Nos. 51-253/7 M.)

QUANTITY: 114 crates, 2 33-lb. cans each, at Long Beach, Calif.

SHIPPED: 10-15-57, from Brazil, by Sun Crown Food Corp. and J. F. Murray Importing Co., Inc.

LIBELED: 12-6-57, S. Dist. Calif.

CHARGE: 402(a) (3)—contained decomposed nuts when shipped.

DISPOSITION: 12-30-57. Sugarman Bros., San Francisco, Calif., having appeared as claimant for 98 crates of the article and consented to the entry of a decree, judgment of condemnation was entered and the product was released under bond for segregation of the unfit portion. The segregation operations were unsuccessful, and the article was destroyed.

1-10-58. No claimant having appeared for 16 crates of the article, judgment of condemnation was entered and the product was ordered destroyed.

24527. Shelled brazil nuts. (F.D.C. No. 40848. S. No. 76-140 M.)

QUANTITY: 62 cases, 2 33-lb. tins each, at Boston, Mass.

SHIPPED: 6-26-57, from Para, Brazil.

LIBELED: 10-18-57, Dist. Mass.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 11-6-57. Consent—claimed by H. A. Johnson Co., Boston, Mass. Segregated; 198 lbs. destroyed.

24528. Unshelled brazil nuts. (F.D.C. No. 41112. S. No. 87-993 M.)

QUANTITY: 38 cases, 24 12-oz. ctns. each, at Elmira, N.Y.

SHIPPED: 10-14-57, from New York, N.Y., after importation into the United States.

LABEL IN PART: (Ctn.) "Universal Brand Brazil Nuts."

LIBELED: 11-27-57, W. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed nuts when shipped.

DISPOSITION: 1-2-58. Default—destruction.

24529. Unshelled brazil nuts (2 seizure actions). (F.D.C. Nos. 4110, 41205. S. Nos. 83-243 M, 83-297 M.)

QUANTITY: 129 1-lb. bags and 2 100-lb. bags at Cincinnati, Ohio.

SHIPPED: 10-26-57 and 11-5-57, from New York, N. Y., by William A. Camp Co., Inc.

LABEL IN PART: (Bag) "Tropical Brand American Beauty Large Polished Brazil Nuts."

LIBELED: 11-25-57 and 12-3-57, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained decomposed nuts and empty shells when shipped.

DISPOSITION: 1-17-58. Default—129-bag lot delivered to a charitable institution for segregation and consumption of the fit portion by the inmates; 28-bag lot delivered to a public institution, for use as animal feed.

**24530. Unshelled brazil nuts.** (F.D.C. No. 41211. S. No. 83-231 M.)

QUANTITY: 2 100-lb. bags at Hamilton, Ohio.

SHIPPED: 11-11-57, from New York, N.Y., by William A. Camp Co., Inc.

LABEL IN PART: (Bag) "Tropical Brand Medium Brazil Nuts."

LIBELED: 12-5-57, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained decomposed nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 1-17-58. Default—consumption by animals.

**24531. Filberts and rice.** (F.D.C. No. 41281. S. Nos. 78-601/2 M.)

QUANTITY: 6 25-lb. bags of filberts and 2 100-lb. bags of rice at Topeka, Kans., in possession of Fleming Co.

SHIPPED: Between 5-29-57 and 10-14-57, from Portland, Oreg., and De Witt, Ark.

LIBELED: 12-17-57, Dist. Kans.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-10-58. Default—destruction.

**24532. Shelled peanuts.** (F.D.C. No. 40997. S. No. 64-464 M.)

QUANTITY: 8 100-lb. bags at Pittsburgh, Pa.

SHIPPED: 4-18-57, from Suffolk, Va.

LIBELED: 11-18-57, W. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-13-57. Default—destruction.

**24533. Shelled peanuts.** (F.D.C. No. 41216. S. No. 85-007 M.)

QUANTITY: 250 120-lb. bags at Milwaukee, Wis.

SHIPPED: 11-12-57, from Shellman, Ga., by Columbian Peanut Co.

LIBELED: 12-5-57, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 12-18-57. Consent—claimed by Columbian Peanut Co. Segregated; 1,558 lbs. destroyed.

**24534. Shelled peanuts.** (F.D.C. No. 40877. S. No. 71-301 M.)

QUANTITY: 15 125-lb. bags at St. Paul, Minn.

SHIPPED: 7-27-57, from Columbus, Ga.

LIBELED: 10-25-57, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy peanuts while held for sale.

DISPOSITION: 12-13-57. Default—consumption by animals.

**24535. Shelled peanuts.** (F.D.C. No. 40876. S. No. 71-300 M.)

QUANTITY: 22 125-lb. bags at Minneapolis, Minn.

SHIPPED: 7-26-57, from Columbus, Ga.

LIBELED: 10-25-57, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy peanuts while held for sale.

DISPOSITION: 12-13-57. Default—consumption by animals.



**24536. Shelled peanuts.** (F.D.C. No. 41302. S. No. 85-210 M.)

QUANTITY: 417 bags, 120 lbs. each, at Chicago, Ill.

SHIPPED: 11-7-57, from Dawson, Ga., by Dawson Cotton Oil Co., Division of Stevens Industries, Inc.

LIBELED: 12-27-57, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—packed under insanitary conditions.

DISPOSITION: 1-16-58. Consent—claimed by Stevens Industries, Inc., Dawson, Ga. Segregated; 1,752 lbs. converted into animal feed.

**24537. Shelled pecans.** (F.D.C. No. 41001. S. No. 83-219 M.)

QUANTITY: 115 lbs. at Cincinnati, Ohio.

SHIPPED: 9-25-57, from Orangeburg, S.C., by Orangeburg Pecan Co.

LABEL IN PART: "Pecanway Nut Meats."

LIBELED: 11-18-57, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 12-27-57. Default—consumption by animals.

**24538. Shelled pecans.** (F.D.C. No. 41275. S. No. 79-627 M.)

QUANTITY: 32 25-lb. ctns. and 20 30-lb. ctns. at Brooklyn, N.Y.

SHIPPED: 10-11-57, from Albany, Ga., by Consolidated Pecan Sales Co. (Dixie-land Pecan Co.).

LIBELED: 12-9-57, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects, insect webbing, and insect excreta; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 1-15-58. Default—destruction.

**24539. Unshelled pecans.** (F.D.C. No. 41213. S. No. 30-795 M.)

QUANTITY: 3 100-lb. bags at Cincinnati, Ohio.

SHIPPED: 11-18-57, from Albany, Ga., by Consolidated Pecan Sales Co.

LABEL IN PART: (Bag) "King Cole \* \* \* Pecans."

LIBELED: 12-5-57, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained decomposed nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 1-29-58. Default—delivered to a charitable institution.

**24540. Unshelled pecans (2 seizure actions).** (F.D.C. Nos. 41215, 41225. S. Nos. 67-699 M, 68-046 M.)

QUANTITY: 118 cases, 24 1-lb. bags each, at Kansas City, Kans.

SHIPPED: 11-16-57 and 11-23-57, from Dallas, Tex., by Hines Produce Co.

LABEL IN PART: (Bag) "Golden Goodee \* \* \* Pecans" and "Triple HHH \* \* \* Extra Large Pecans."

LIBELED: 12-13-57 and 12-20-57, Dist. Kans.

CHARGE: 402(a)(3)—contained decomposed nuts when shipped.

DISPOSITION: 1-15-58. Consent—claimed by Hines Produce Co. and destroyed.

**24541. Unshelled pecans.** (F.D.C. No. 39813. S. Nos. 33-731 M, 58-110 M.)

QUANTITY: 25 50-lb. bags at North Kansas City, Mo., in possession of Fleming Co.

SHIPPED: 10-14-55, from Cairo, Ga.

LIBELED: 12-11-56, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-14-57. Consent—claimed by Georgia Pecan Co., Cairo, Ga., and thoroughly cleaned to bring into compliance with the law.

**24542. Shelled walnuts.** (F.D.C. No. 41212. S. No. 71-314 M.)

QUANTITY: 6 30-lb. boxes at St. Paul, Minn.

SHIPPED: 2-28-57, from New York, N.Y.

LIBELED: 12-5-57, Dist. Minn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-27-58. Default—consumption by animals.

**24543. Unshelled mixed nuts.** (F.D.C. No. 40991. S. No. 83-101 M.)

QUANTITY: 66 cases, 24 bags each, at Ashland, Ky.

SHIPPED: 10-25-57, from New York, N.Y., by J. F. Murray Importing Co., Inc.

LABEL IN PART: (Bag) "Mistletoe Fancy Mixed Nuts Net Weight One Pound \* \* \* Distr. By J. F. Murray Importing Co., Inc., New York 13, N.Y."

LIBELED: 12-3-57, E. Dist. Ky.

CHARGE: 402(a)(3)—contained decomposed nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 2-2-58. Default—delivered to a Federal institution, for use as animal feed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**24544. Caraway seed and poppyseed.** (F.D.C. No. 40842. S. Nos. 48-734/5 M.)

QUANTITY: 51 110-lb. bags of caraway seed and 10 110-lb. bags of poppyseed at Chicago, Ill., in possession of Kelmer River Terminal Warehouse.

SHIPPED: Prior to June 21, 1957, from Holland.

LIBELED: 10-15-57, N. Dist. Ill.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-7-57. Consent—claimed by Edwin G. Svikhart, Chicago, Ill. Segregated; 408 lbs. of caraway seed and 126 lbs. of poppyseed destroyed.

**24545. Coriander seed.** (F.D.C. No. 41274. S. No. 66-669 M.)

QUANTITY: 31 bags at San Francisco, Calif.

SHIPPED: 1-18-57, from Casablanca, Morocco, by an unknown shipper.

LABEL IN PART: "SMEAF 3472 0 [or "P"] Coriander Seed Los Angeles [or "San Francisco"] Product of Morocco."

LIBELED: 12-6-57, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 12-24-57. Default—destruction.



24546. Chili peppers. (F.D.C. No. 40871. S. No. 82-672 M.)

QUANTITY: 156 100-lb. bags at Toledo, Ohio.

SHIPPED: 4-23-57, from Los Angeles, Calif.

LIBELED: 10-18-57, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-25-57. Consent—claimed by Woolson Spice Co., Toledo, Ohio.  
Reconditioned; 1,154 lbs. destroyed.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

24547. Vit-Ra-Tox No. 21. (F.D.C. No. 35574. S. No. 62-612 L.)

INFORMATION FILED: 12-9-54, Dist. Mass., against V. E. Irons, Inc., Boston, Mass., and V. Earl Irons, president and treasurer.

SHIPPED: 12-16-52, from Massachusetts to Missouri.

LABEL IN PART: (Ctn.) "Vit-Ra-Tox No. 21 A Natural Food with green life In three bottles Two of No. 21A and one of No. 21B"; (btl.) "V.E. VIT-RA-TOX Irons Inc. No. 21A . . . . Part of No. 21 A Natural Food with green life Raw Veal Bone and Defatted Wheat Germ VIT-RA-TOX No. 21A with green life (2½ oz.) Green Life is a concentrate of the juices of 2 or more young, tender green cereal (grain) shoots (oats, corn, barley, rye or wheat); raised in one of the richest soils known to man on the world's largest Organic Compost Farm near Kansas City, Mo.; extracted in a manner as to retain Nature's vitamins, living enzymes, synergists, and activating minerals (except Vitamin D); a rich natural source of Carotene (provitamin A) and the complete natural complexes of Vitamins B, C, E, F, and K with the P fractions of the C complex and the WULZEN factor of the F complex, plus the living enzymes, synergists and mineral activators. It contains organic iron, calcium, phosphorus, iodine and a host of other minerals in trace amounts with Live Chlorophyll in its natural, untreated, and edible state. \* \* \* Contents 4½ ozs. in tablet form 180 tablets of 10 grs. each"; (btl.) "No. 21B V.E. VIT-RA-TOX Irons Inc. Part of No. 21 A Natural Food This part containing: Garlic Derivative Wheat Germ and Lecithin as Emulsifiers Contents 60 capsules VIT-RA-TOX No. 21B."

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content; and its label failed to bear, as required by regulations, (1) a statement of the dietary properties with respect to all of the vitamins and minerals upon which such uses were based, (2) statements of the proportions of the minimum daily requirements for each vitamin and mineral, for which minimum daily requirements have been established, which would be supplied by the article when consumed in a specified quantity during a period of 1 day, (3) statements of the quantity of each vitamin and mineral in a specified quantity of the article, for which minimum daily requirements have not been established, and (4) with respect to the vitamins and minerals in the article for which the need in human nutrition has not been established, a statement that the need in human nutrition for such vitamins and minerals has not been established.

The information alleged also that the article and similar articles, together with an article known as Vit-Ra-Tox No. 16, were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 5308.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 9-18-56 and was concluded on 10-2-56, with the return by the jury of a verdict of guilty. On 10-22-56, the court imposed a fine of \$6,000 against the corporation and sentenced the individual to 1 year in jail.

The case was appealed to the United States Court of Appeals for the First Circuit; and on 4-24-57, after consideration of the briefs and arguments of counsel, the court handed down an opinion affirming the judgments of the district court (244 F. 2d 34, notices of judgment on drugs and devices, No. 5308.)

A petition for a writ of certiorari was filed with the United States Supreme Court on 5-23-57, and on 6-17-57 the petition was denied.

24548. Hadacol. (F.D.C. No. 41315. S. No. 87-105 M.)

QUANTITY: 381 8-fl. oz. btls. at Charleston, W. Va.

SHIPPED: On an unknown date, from Lafayette, La.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than the declared amount of vitamin B<sub>1</sub>.

LIBELED: 1-7-58, S. Dist. W. Va.

CHARGE: 402(b)(1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "4 Tablespoonfuls \* \* \* contain the Vitamins B<sub>1</sub> \* \* \* 6 mg." was false and misleading.

DISPOSITION: 1-29-58. Default—destruction.

24549. Vitamin tablets and capsules. (F.D.C. No. 40859. S. Nos. 60-580 M, 60-741 M.)

QUANTITY: 70 100-capsule btls. and 25 100-tablet btls. at Concord, N.H.

SHIPPED: 8-5-57, from Wellesley, Mass., by Randolph Laboratories.

LABEL IN PART: "Nault's \* \* \* Capsules Multiple Vitamin" and "Nault's \* \* \* Tablets Chewable Multivitamins."

RESULTS OF INVESTIGATION: Examination showed that the tablets contained 41.3 percent of the declared amount of vitamin C and that the capsules contained 42.4 percent of the declared amount of vitamin C.

LIBELED: On or about 10-25-57, Dist. N.H.

CHARGE: 402(b)(1)—a valuable constituent, vitamin C, had been in part omitted or abstracted from the articles when shipped; and 403(a)—the label statements "Each Capsule Contains \* \* \* Vitamin C \* \* \* 50 mg." and "Each Tablet Contains \* \* \* Ascorbic Acid 75 mg." were false and misleading.

DISPOSITION: 12-20-57. Default—destruction.

24550. Vitamin tablets and capsules. (F.D.C. No. 40858. S. Nos. 75-510/12 M.)

QUANTITY: 37 100-tablet btls. and 18 100-capsule btls. at New London, Conn.

SHIPPED: Between 3-25-57 and 9-2-57, from Wellesley, Mass., by Randolph Laboratories, Division of Randolph Refining Corp.

LABEL IN PART: "Ethical \* \* \* Tablets Chewable Multivitamins" and "Capsules Multivitamin."

RESULTS OF INVESTIGATION: Examination showed that the vitamin tablets contained not more than 39.2 percent of the declared amount of vitamin C and that the vitamin capsules contained no vitamin C.



**LIBELED:** On or about 11-5-57, Dist. Conn.

**CHARGE:** 402(b)(1)—a valuable constituent, vitamin C, had been in whole or in part omitted or abstracted from the articles when shipped; and 403(a)—the label statements (vitamin tablets) “Each Tablet Contains \* \* \* Ascorbic Acid 75 mg.” and (vitamin capsules) “Ascorbic Acid 100 mg.” were false and misleading.

**DISPOSITION:** 12-10-57. Default—destruction.

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<sup>1</sup> (24487, 24520, 24547) Prosecution contested.  
<sup>2</sup> (24505) Injunction issued.

	N.J. No.		N.J. No.
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<sup>1</sup> (24487, 24520, 24547) Prosecution contested.



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<sup>1</sup> (24487, 24520, 24547) Prosecution contested.<sup>2</sup> (24505) Injunction issued.

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<sup>1</sup> (24487, 24520, 24547) Prosecution contested.



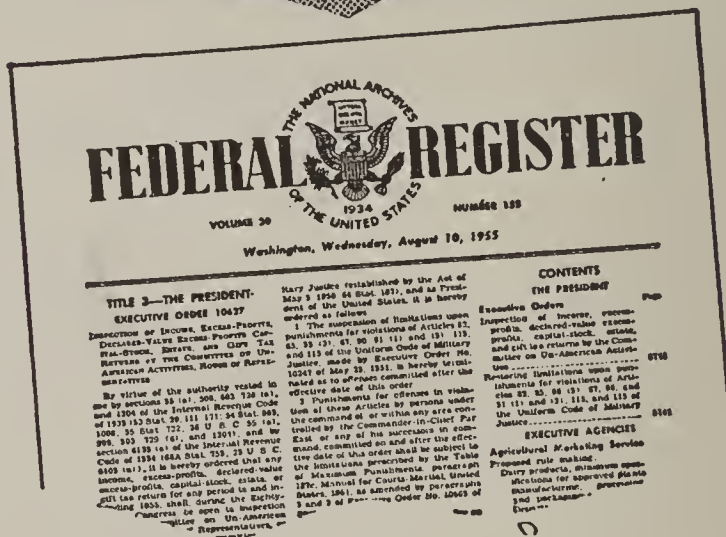
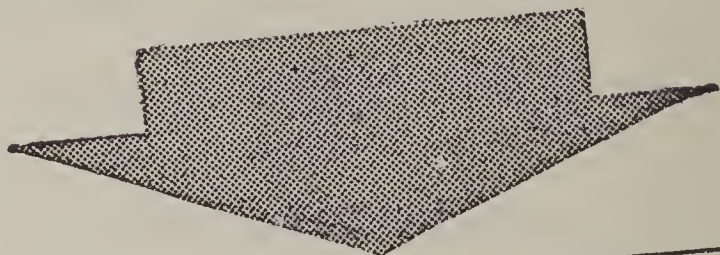


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24551-24650  
★ APR 13 1959 ★

U.S. Department of Health, Education, and Welfare  
U. S. DEPARTMENT OF AGRICULTURE  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24551-24650

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARBICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *March 24, 1959.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS REPORTED IN F.N.J. NOS. 24551-24650

*Adulteration*, Section 402(a)(1), the article contained an added deleterious substance which may have rendered it injurious to health; Section 402(a)(2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(a)(5), the article was in whole or in part the product of a diseased animal; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted wholly or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and/or (2) an accurate statement of the quantity of contents; Section 403(h)(1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; Section 403(i)(1), the article was not subject to the provisions of Section 403(g), and its label failed to bear the common or usual name of the food; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

24551. Cornmeal. (F.D.C. No. 41113. S. No. 67-840 M.)

QUANTITY: 95 25-lb. bags at Poteau, Okla., in possession of Le Flore County Wholesale Grocers.

SHIPPED: 10-8-57, from St. Joseph, Mo.

LIBELED: 11-27-57, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-31-58. Default—delivered to a local institution, for use as livestock feed.



**24552. Cornmeal.** (F.D.C. No. 40904. S. No. 78-650 M.)

**QUANTITY:** 45 25-lb. bags at Henryetta, Okla., in possession of Boerstler Bros.

**SHIPPED:** 10-4-57, from St. Joseph, Mo.

**LIBELED:** 11-13-57, E. Dist. Okla.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-31-58. Default—consumption by animals.

**24553. Cornmeal and flour.** (F.D.C. No. 40881. S. Nos. 44-374/6 M.)

**QUANTITY:** 49 25-lb. bags of cornmeal and 117 25-lb. bags and 73 50-lb. bags of flour at Jonesboro, Ark., in possession of Puryear Grocer Co.

**SHIPPED:** Between 5-23-57 and 9-24-57, from Arkansas City, Kans., and Memphis, Tenn.

**LIBELED:** 11-2-57, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained insects, rodent urine, and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-2-58. Default—destruction.

### FLOUR\*

**24554. Flour.** (F.D.C. No. 40896. S. Nos. 66-657/8 M.)

**QUANTITY:** 13 100-lb. bags at Reno, Nev., in possession of Albers.

**SHIPPED:** 11-23-56 and 8-21-57, from Salt Lake City, Utah.

**LIBELED:** 11-12-57, Dist. Nev.

**CHARGE:** 402(a)(3)—contained insects and bird excreta; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-21-58. Default—destruction.

**24555. Flour.** (F.D.C. No. 40897. S. No. 71-695 M.)

**QUANTITY:** 140 50-lb. bags at Marshalltown, Iowa, in possession of Doyen Flour & Feed Co., Inc.

**SHIPPED:** 8-26-57, from Kansas City, Mo.

**LIBELED:** 11-8-57, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-4-57. Consent—claimed by Doyen Flour & Feed Co., Inc. Segregated; 78 bags denatured for use as animal feed.

**24556. Flour.** (F.D.C. No. 40893. S. No. 44-749 M.)

**QUANTITY:** 37 50-lb. bags at Chillicothe, Mo., in possession of Milbank Mills.

**SHIPPED:** 9-26-57, from Salina, Kans.

**LIBELED:** On or about 11-12-57, W. Dist. Mo.

**CHARGE:** 402(a)(3)—contained rodent pellets, rodent hairs, rodent urine, and insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-17-57. Default—destruction.

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\*See also No. 24553.

**24557. Flour.** (F.D.C. No. 41303. S. Nos. 84-037/8 M, 84-040 M.)

**QUANTITY:** 25 50-lb. bags, 11 100-lb. bags, and 332 26-lb. bags at Fort Smith, Ark., in possession of McCord Wholesale Grocery Co.

**SHIPPED:** Between 9-25-57 and 10-14-57, from Denver, Colo., El Reno, Okla., and Hutchinson, Kans.

**LIBELED:** 12-26-57, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-13-58. Consent—claimed by McCord Wholesale Grocery Co. Segregated; 23 50-lb. bags, 5 100-lb. bags, and 173 26-lb. bags denatured.

**24558. Flour.** (F.D.C. No. 40951. S. No. 89-522 M.)

**QUANTITY:** 195 25-lb. bags at Tallahassee, Fla., in possession of Daffin Mercantile Co., Inc.

**SHIPPED:** 7-11-57, from Fort Worth, Tex.

**LIBELED:** On or about 11-18-57, N. Dist. Fla.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-12-57. Default—converted into animal feed.

**24559. Flour.** (F.D.C. No. 40912. S. No. 62-708 M.)

**QUANTITY:** 57 100-lb. bags at New Brunswick, N.J., in possession of City Bakery.

**SHIPPED:** 7-2-57, from Buffalo, N.Y.

**LIBELED:** 10-28-57, Dist. N.J.

**CHARGE:** 402(a)(3)—contained insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-12-57. Default—destruction.

**24560. Flour.** (F.D.C. No. 41410. S. No. 2-371 P.)

**QUANTITY:** 17 100-lb. bags at Jacksonville, Fla., in possession of Chitty & Co.

**SHIPPED:** 11-12-57, from Waycross, Ga.

**LIBELED:** 2-4-58, S. Dist. Fla.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-8-58. Consent—claimed by Chitty & Co. and converted into animal feed.

**24561. Flour.** (F.D.C. No. 40938. S. No. 61-642 M.)

**QUANTITY:** 5 cases, 25 2-lb. bags each, at Salisbury, Md.

**SHIPPED:** 6-5-57 and 7-17-57, from Laurel, Del.

**LIBELED:** 11-4-57, Dist. Md.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-5-57. Default—destruction.



**24562. Flour.** (F.D.C. No. 40907. S. No. 76-336 M.)

**QUANTITY:** 7 100-lb. bags at Lynn, Mass.

**SHIPPED:** 3-26-57 and 5-2-57, from Mankato, Minn.

**LIBELED:** 10-23-57, Dist. Mass.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-25-57. Default—consumption by animals.

**24563. Flour.** (F.D.C. No. 41328. S. No. 79-133 M.)

**QUANTITY:** 40 100-lb. bags at Brooklyn, N.Y.

**SHIPPED:** 8-9-57, from Indianapolis, Ind.

**LIBELED:** 1-14-58, E. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained rodent urine while held for sale.

**DISPOSITION:** 2-5-58. Default—destruction.

**24564. Flour.** (F.D.C. No. 40791. S. No. 44-372 M.)

**QUANTITY:** 21 100-lb. bags at Fort Smith, Ark.

**SHIPPED:** 7-25-57, from El Reno, Okla.

**LIBELED:** 10-14-57, W. Dist. Ark.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-9-57. Default—consumption by animals.

**24565. Flour.** (F.D.C. No. 40967. S. Nos. 71-304/6 M.)

**QUANTITY:** 68 50-lb. bags, and 7 bales, 24 2-lb. bags each, at Janesville, Wis.

**SHIPPED:** Between 11-15-56 and 3-9-57, from Minneapolis, Minn.

**LIBELED:** 11-18-57, W. Dist. Wis.

**CHARGE:** 402(a) (3)—contained insects and rodent urine while held for sale.

**DISPOSITION:** 12-10-57. Default—consumption by animals.

**24566. Flour.** (F.D.C. No. 40943. S. No. 73-178 M.)

**QUANTITY:** 68 100-lb. bags at Las Cruces, N. Mex.

**SHIPPED:** 7-30-57, from Amarillo, Tex.

**LIBELED:** 11-7-57, Dist. N. Mex.

**CHARGE:** 402(a) (3)—contained insects and insect fragments while held for sale.

**DISPOSITION:** 12-10-57. Default—consumption by animals.

**24567. Flour.** (F.D.C. No. 40940. S. No. 73-599 M.)

**QUANTITY:** 54 50-lb. bags at Bernalillo, N. Mex.

**SHIPPED:** 9-18-57, from Monte Vista, Colo.

**LIBELED:** 11-6-57, Dist. N. Mex.

**CHARGE:** 402(a) (3)—contained rodent urine and rodent excreta while held for sale.

**DISPOSITION:** 4-11-58. Default—consumption by animals.

## MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**24568. Unpopped popcorn.** (F.D.C. No. 40895. S. No. 84-721 M.)

**QUANTITY:** 40,000 lbs. at Clarks Hill, Ind., in possession of C. A. Harris Popcorn Co.

**SHIPPED:** During February and March 1957, from Lyons, Ohio.

**LIBELED:** 11-12-57, N. Dist. Ind.

**CHARGE:** 402(a)(3)—contained insects, insect fragments, rodent hairs, and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-8-58. Consent—claimed by C. A. Harris Popcorn Co. and denatured for use as animal feed.

**24569. Unpopped popcorn.** (F.D.C. No. 40942. S. No. 73-598 M.)

**QUANTITY:** 112 cases, each containing 24 1-lb. bags, at Albuquerque, N. Mex.

**SHIPPED:** 9-9-57 and 9-25-57, from Cedar Rapids, Iowa.

**LIBELED:** 11-7-57, Dist. N. Mex.

**CHARGE:** 402(a)(3)—contained insects, insect fragments, and rodent-gnawed grain while held for sale.

**DISPOSITION:** 12-10-57. Default—consumption by animals.

**24570. Unpopped popcorn.** (F.D.C. No. 41351. S. No. 80-450 M.)

**QUANTITY:** 36 50-lb. bags at Duluth, Minn., in possession of Pioneer Tea Co.

**SHIPPED:** 9-3-57, from Sac City, Iowa.

**LIBELED:** 1-15-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions whereby it may have become contaminated with filth, and exposed to warfarin, a poisonous substance used for rodent extermination, whereby the article may have been rendered injurious to health.

**DISPOSITION:** 3-7-58. Default—destruction.

**24571. Unpopped popcorn and candy.** (F.D.C. No. 40908. S. Nos. 43-494/5 M, 43-762/4 M.)

**QUANTITY:** 31 cases, 24 1-lb. bags each, and 15 cases, 12 2-lb. bags each, of unpopped popcorn, and 35 cases, 24 candy bars each, at Eldorado, Ill.

**SHIPPED:** Between 3-19-56 and 9-15-57, from Evansville, Ind., Naugatuck, Conn., Kansas City, Mo., and Winona, Minn.

**LIBELED:** 10-24-57, E. Dist. Ill.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-14-57. Default—destruction.

**24572. Rice.** (F.D.C. No. 40924. S. No. 77-490 M.)

**QUANTITY:** 288 100-lb. bags at Williston, Fla.

**SHIPPED:** 10-3-57, from New Orleans, La.

**LIBELED:** 11-4-57, N. Dist. Fla.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-2-57. Consent—claimed by Dixie Lily Milling Co., Inc., Williston, Fla., and cleaned to be brought into compliance with the law.

\*See also Nos. 24605, 24620.



24573. Rice. (F.D.C. No. 40892. S. No. 75-719 M.)

QUANTITY: 155 100-lb. bags at Los Angeles, Calif.

SHIPPED: 3-20-57, from Texas.

LIBELED: 11-5-57, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-4-57. Consent—claimed by David S. Greenfield, t/a. Morris Passy Dried Fruit Co., Los Angeles, Calif. Reconditioned; 122 lbs. destroyed.

24574. Rice. (F.D.C. No. 40972. S. No. 74-136 M.)

QUANTITY: 63 100-lb. bags; 208 cases, 12 2-lb. bags each; 64 cases, 24 1-lb. bags each; and 273 cases, 12 1-lb. bags each, at Spokane, Wash., in possession of Centennial Flour Mills, Inc.

SHIPPED: 8-12-57, from Abbeville, La.

LABEL IN PART: (Bags) "Centennial \* \* \* Fancy Blue Rose Rice."

RESULTS OF INVESTIGATION: The bags in the cases were repackaged by the consignee from bulk 100-lb. bags, which had been shipped as described above.

LIBELED: 11-26-57, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta, insects, and insect fragments; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-6-58. Consent—claimed by Centennial Mills, Inc., and converted into animal feed.

24575. Rice. (F.D.C. No. 41376. S. Nos. 2-362/3 P.)

QUANTITY: 55 100-lb. bags at Orlando, Fla.

SHIPPED: 9-2-57, from De Witt, Ark., by L. A. Black Rice Miller.

LABEL IN PART: (Bag) "O'Henry Supreme \* \* \* Blue Rose \* \* \* Rice" and "Ashley Hall Supreme \* \* \* Rice."

LIBELED: 1-28-58, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 4-10-58. Default—destruction.

24576. Rice. (F.D.C. No. 41266. S. No. 89-919 M.)

QUANTITY: 15 100-lb. bags at Denver, Colo., in possession of Knoebel Mercantile Co.

SHIPPED: 11-15-57, from Carlisle, Ark.

LIBELED: 1-6-58, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-28-58. Default—consumption by animals.

24577. Rice. (F.D.C. No. 40996. S. No. 67-680 M.)

QUANTITY: 9 100-lb. bags at Wichita, Kans.

SHIPPED: 9-16-57 and 9-30-57, from North Kansas City Mo., by Comet Rice Co.

LABEL IN PART: "Comet \* \* \* Rice."

LIBELED: 11-20-57, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent urine when shipped.

DISPOSITION: 2-12-58. Default—consumption by animals.

**24578. Rice.** (F.D.C. No. 40948. S. No. 39-398 M.)

QUANTITY: 6 bales, 12 5-lb. bags each, at Savannah, Ga.

SHIPPED: 9-3-57, from De Witt, Ark.

LIBELED: 11-15-57, S. Dist. Ga.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 12-18-57. Default—consumption by animals.

**24579. Rice and dried red beans.** (F.D.C. No. 41412. S. Nos. 14-364/5 P.)

QUANTITY: 135 100-lb. bags of rice and 8 100-lb. bags of dried red beans at Chicago, Ill.

SHIPPED: 2-3-49 and 3-29-51, from Stuttgart, Ark., and Enid, Okla.

LIBELED: 2-6-58, N. Dist. Ill.

CHARGE: 402(a) (3)—contained insects and insect-damaged beans while held for sale.

DISPOSITION: 3-4-58 and 3-13-58. Default—converted into animal feed.

**24580. Wheat.** (F.D.C. No. 41367. S. No. 40-883 P.)

QUANTITY: 122,400 lbs. at Seattle, Wash.

SHIPPED: 12-28-57, from Chester, Mont., to Shelby, Mont., by Farmers Union Grain Terminal Association, and from Shelby, Mont., to Seattle, Wash., by Cargill, Inc.

LIBELED: 1-17-58, W. Dist. Wash.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 1-20-58. Consent—claimed by Farmers Union Grain Terminal Association, Great Falls, Mont., and converted into animal feed.

**24581. Wheat.** (F.D.C. No. 40886. S. No. 80-232 M.)

QUANTITY: 81,000 lbs. at Minneapolis, Minn.

SHIPPED: 10-19-57, from Zell, S. Dak., by Farmers Elevator Co.

LIBELED: 11-1-57, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent pellets; and 402(a) (4)—had been held under insanitary conditions when shipped.

DISPOSITION: 11-15-57. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 9,520 lbs. to be converted into animal feed.

**24582. Wheat.** (F.D.C. No. 40889. S. No. 78-362 M.)

QUANTITY: 48,120 lbs. at Thomas, Okla.

SHIPPED: On or about 10-10-57, from Houston, Tex. This was a return shipment.

LIBELED: 11-1-57, W. Dist. Okla.

CHARGE: 402(a) (2)—the article was a raw agricultural commodity, and, when shipped, contained a pesticide chemical, namely a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations; and 402(a) (3)—the article contained rodent pellets and bird pellets.

DISPOSITION: 11-21-57. Consent—claimed by Feuquay Elevator Co., Enid, Okla., and converted into seed wheat.



**24583. Corn grits.** (F.D.C. No. 40887. S. Nos. 71-576/9 M.)

**QUANTITY:** 160,000 lbs. at St. Paul, Minn.

**SHIPPED:** 9-23-57, from Kansas City, Mo., and Milwaukee, Wis.

**LIBELED:** 11-1-57, Dist. Minn.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-15-57. Consent—claimed by Theo. Hamm Brewing Co., St. Paul, Minn., and denatured for use as animal feed.

**24584. Breeding mix and batter mix.** (F.D.C. No. 41409. S. Nos. 2-261/2 P.)

**QUANTITY:** 26 cases, 12 10-oz. pkgs. each, of breeding mix, and 7 cases, 12 10-oz. pkgs. each, of batter mix, at Atlanta, Ga., in possession of Lanier Brothers Wholesale Grocery.

**SHIPPED:** 1-18-57 and 4-29-57, from St. Louis, Mo.

**LIBELED:** 2-4-58, N. Dist. Ga.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-5-58. Default—destruction.

**24585. Devil's food mix.** (F.D.C. No. 40959. S. No. 67-621 M.)

**QUANTITY:** 11 bales, 6 5-lb. bags each, at Charleston, W. Va., in possession of Elk Grocery Co.

**SHIPPED:** Between 8-6-57 and 10-15-57, from New York, N. Y.

**LIBELED:** On or about 11-18-57, S. Dist. W. Va.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-11-57. Default—destruction.

## DAIRY PRODUCTS

### BUTTER

**24586. Butter.** (F.D.C. No. 40473. S. Nos. 72-262 M, 72-488 M, 72-773 M.)

**INFORMATION FILED:** 1-29-58, Dist. Nebr., against Custer County Creamery Products Co., a corporation, t/a Broken Bow Creamery, Broken Bow, Nebr., and Gene F. Vaughan, president of the corporation.

**SHIPPED:** Between 4-5-57 and 8-13-57, from Nebraska to Illinois.

**CHARGE:** 402(a)(3)—when shipped, a portion of the article contained a decomposed substance by reason of the use of decomposed cream in its manufacture; 402(b)(1)—milk fat had been in part omitted from all lots of the article when shipped; and 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**PLEA:** Nolo contendere.

**DISPOSITION:** 2-20-58. Corporation and individual fined \$150 each, plus costs.

**24587. Butter.** (F.D.C. No. 40467. S. No. 68-314 M.)

INFORMATION FILED: 2-4-58, N. Dist. Iowa, against Eugene E. Kelley, t/a Lake City Creamery, Lake City, Iowa.

SHIPPED: 6-14-57, from Iowa to New Jersey.

CHARGE: 402(b)(1)—when shipped, milk fat had been in part omitted from the article; and 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Guilty.

DISPOSITION: 4-10-58. \$75 fine.

**24588. Butter.** (F.D.C. No. 40797. S. No. 64-219 M.)

QUANTITY: 20 cartons, each containing 32 1-lb. prints, at Rochester, N.Y.

SHIPPED: 7-31-57, from East Jordan, Mich., by Jordan Valley Cooperative Creamery Co.

LABEL IN PART: (Print wrapper) "Cool Spring Brand Butter 1 lb. net wt. Dist. by S. M. Flickinger Co., Inc. Buffalo, Columbus, O., Elmira, Erie, Pa., Jamestown, Rochester, Syracuse, N.Y."

LIBELED: 8-13-57, W. Dist. N.Y.

CHARGE: 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 9-18-57. Default—destruction.

**24589. Butter.** (F.D.C. No. 40809. S. No. 61-754 M.)

QUANTITY: 2 cases, each containing 32 cartons and each carton containing 4  $\frac{1}{4}$  lb. prints, at Clarksburg, W. Va.

SHIPPED: 7-19-57, from Ohio.

LIBELED: 8-15-57, N. Dist. W. Va.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-24-57. Default—consumption by animals.

**24590. Butter.** (F.D.C. No. 40800. S. Nos. 83-966 M, 83-983 M.)

QUANTITY: 37 65-lb. cubes, plus 50 lbs., at St. Louis, Mo.

SHIPPED: On 8-18-57 and 8-20-57, quantities of cream were shipped from various places in Arkansas, Illinois, Kentucky, Tennessee, and Mississippi.

RESULTS OF INVESTIGATION: The cream which was shipped as described above was used in the manufacture of the butter.

LIBELED: 8-30-57, E. Dist. Mo.

CHARGE: 402(a)(3)—the cream described above consisted in part of a decomposed substance.

DISPOSITION: 9-19-57. Consent—claimed by Paul A. Schulze Co., St. Louis, Mo., and converted into butter oil.

## FISH AND SHELLFISH

**24591. Canned kipper snacks.** (F.D.C. No. 41378. S. No. 60-720 M.)

QUANTITY: 18 ctns., 48  $3\frac{1}{2}$ -oz. cans each, at Bridgeport, Conn.

SHIPPED: More than 3 yrs. prior to the filing of the libel, from Canada.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.



**LIBELED:** 1-25-58, Dist. Conn.

**CHARGE:** 402(a) (3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 3-7-58. Default—destruction.

**24592. Fresh dressed whitefish.** (F.D.C. No. 41407. S. No. 11-485 P.)

**QUANTITY:** 25 60-lb. boxes at Chicago, Ill.

**SHIPPED:** 1-21-58, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

**LABEL IN PART:** (Box) "Product of Canada South Indian Lake Large."

**LIBELED:** 2-3-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 2-18-58. Consent—claimed by Walter's Union Market, Inc., Chicago, Ill. The article was exported to the shipper in Canada.

**24593. Fresh dressed whitefish.** (F.D.C. No. 41406. S. No. 11-482 P.)

**QUANTITY:** 22 60-lb. boxes at Chicago, Ill.

**SHIPPED:** 1-21-58, from Winnipeg, Canada, by Keystone Fisheries, Ltd.

**LABEL IN PART:** (Box) "Product of Canada South Indian Lake."

**LIBELED:** 2-3-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 2-18-58. Consent—claimed by Walter's Union Market, Inc., Chicago, Ill. The article was exported to its place of origin in Canada.

**24594. Frozen whitefish.** (F.D.C. No. 40046. S. Nos. 60-317 M, 72-344 M.)

**QUANTITY:** 100 55-lb. boxes at Detroit, Mich.

**SHIPPED:** 2-22-57, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

**LABEL IN PART:** (Box) "Product of Canada Fresh Frozen Fish Gods Lake Manitoba."

**LIBELED:** 3-18-57, E. Dist. Mich.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 2-3-58. Consent—claimed by American Fish Co., Inc., Detroit, Mich. Released to claimant for export to Canada.

**24595. Frozen whiting, squid, and butterfish.** (F.D.C. No. 40975. S. Nos. 69-256 M, 69-258/60 M, 79-201/2 M.)

**QUANTITY:** 25 ctns. containing a total of 2,753 lbs. of frozen whiting; 5 ctns. containing a total of 651 lbs. of frozen butterfish; and 78 ctns, 5 10-lb. pkgs. each, 5 ctns. containing a total of 543 lbs., and 3 ctns. of frozen squid, at Monmouth Beach, N.J.

**SHIPPED:** Between 6-10-57 and 6-20-57, from Brooklyn, N.Y.

**LIBELED:** 11-27-57, Dist. N.J.

**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 1-15-58. Default—destruction.

**24596. Lobster tails and lobster meat.** (F.D.C. No. 40966. S. No. 67-126 M.)

**QUANTITY:** 2 boxes, 20 2½-lb. pkgs. each, of lobster tails, and 1 box, 7 5-lb. pkgs. each, of lobster meat at Baltimore, Md.

**SHIPPED:** From outside the United States.

**LIBELED:** 11-19-57, Dist. Md.

CHARGE: 402(a)(3)—contained decomposed lobster tails and lobster meat while held for sale.

DISPOSITION: 1-8-58. Default—destruction.

**24597. Frozen breaded shrimp. (F.D.C. No. 40883. S. No. 78-338 M.)**

QUANTITY: 123 cases, 12 ctns. each, at Kansas City, Kans.

SHIPPED: 10-17-57, from Brunswick, Ga., by Brunswick Quick Freezer, Inc.

LABEL IN PART: (Ctn.) "Flying Jib Breaded Fantail Shrimp Net Wt. 2 lbs."

LIBELED: 11-6-57, Dist. Kans.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-16-58. Default—destruction.

**24598. Frozen shrimp. (F.D.C. No. 40879. S. No. 53-640 M.)**

QUANTITY: 230 cases at Harlingen, Tex.

SHIPPED: 10-4-57, from Chicago, Ill. This was a return shipment.

LABEL IN PART: "W.S.A. - Pieces P & D 12/3 Lbs. \* \* \* 12 Packages."

LIBELED: 10-24-57, S. Dist. Tex.

CHARGE: 402(a)(3)—contained decomposed shrimp when shipped.

DISPOSITION: 1-1-58. Default—destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**24599. Canned apples and canned sauerkraut. (F.D.C. No. 40949. S. Nos. 74-771/4 M.)**

QUANTITY: 350 cases, 24 unlabeled No. 2 cans each, and 25 cases, 6 unlabeled No. 10 cans each, of apples, and 39 cases, 24 unlabeled No. 303 cans each, 168 cases, 24 unlabeled No. 2½ cans each, and 94 cases, 6 unlabeled No. 10 cans each, of sauerkraut, at Seattle, Wash.

SHIPPED: The apples were shipped on 9-9-57, from Sebastopol, Calif., by Barlow Co. Apple Products, and the sauerkraut was shipped on 9-19-57, from Portland, Oreg., by Columbia Packing Corp.

LIBELED: 11-22-57, W. Dist. Wash.

CHARGE: 403(e)—the articles, when shipped, failed to bear labels containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(i)(1)—the articles failed to bear labels containing the common or usual names of the articles.

DISPOSITION: 12-23-57. Consent—claimed by Commission Co., Inc., Seattle, Wash., and labeled.

**24600. Canned peaches. (F.D.C. No. 40878. S. No. 82-669 M.)**

QUANTITY: 346 cases, 24 cans each, at Johnson City, Tenn.

SHIPPED: Between 7-26-57 and 10-7-57, from Easley, S.C., by Jones Bros. Canning Co.

LABEL IN PART: (Can) "Greer Brand Yellow Freestone Peaches Halves \* \* \* 1 Lb. 13 Oz."



**LIBELED:** 10-25-57, E. Dist. Tenn.; amended libel 11-29-57.

**CHARGE:** 403(h)(1)—the quality of the article, when shipped, fell below the standard of quality for canned peaches because of hardness, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** 1-23-58. Default—delivered to a Federal institution for its use and not for sale.

**24601. Cranberry sauce.** (F.D.C. No. 40888. S. No. 55-385 M.)

**QUANTITY:** 96 cases, 6 7-lb., 4-oz. cans each, at Cincinnati, Ohio.

**SHIPPED:** Prior to August 1956, from Hanson, Mass.

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing chemical decomposition.

**LIBELED:** 10-31-57, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 12-6-57. Default—destruction.

### DRIED FRUIT

**24602. Dried peaches, dried apples, and raisins.** (F.D.C. No. 40935. S. Nos. 77-094 M, 77-096 M, 77-098 M.)

**QUANTITY:** 70 30-lb. boxes of dried peaches, 15 50-lb. boxes of dried apples, and 57 30-lb. boxes of raisins at Rome, Ga., in possession of Wiseman Baking Co.

**SHIPPED:** Between 7-24-57 and 9-18-57, from San Jose, Fresno, and Sebastopol, Calif.

**LIBELED:** 11-5-57, N. Dist. Ga.

**CHARGE:** 402(a)(3)—contained insects and insect excreta; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-10-57. Consent—claimed by Wiseman Baking Co. and denatured.

**24603. Fig paste.** (F.D.C. No. 40870. S. No. 71-297 M.)

**QUANTITY:** 12 80-lb. boxes at Minneapolis, Minn.

**SHIPPED:** 3-27-57, from Fresno, Calif.

**LIBELED:** 10-22-57, Dist. Minn.

**CHARGE:** 402(a)(3)—contained insects and moldy figs while held for sale.

**DISPOSITION:** 12-4-57. Default—consumption by animals.

### VEGETABLES AND VEGETABLE PRODUCTS\*

**24604. Canned butter beans.** (F.D.C. No. 41401. S. No. 3-263 P.)

**QUANTITY:** 21 cases, 24 cans each, at Princeton, W. Va.

**SHIPPED:** During 1950, from Richmond, Va.

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing chemical decomposition.

**LIBELED:** 1-25-58, S. Dist. W. Va.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 2-21-58. Default—destruction.

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\*See also Nos. 24579, 24599, 24650.

**24605. Dried lima beans and rice.** (F.D.C. No. 40144. S. Nos. 33-635/6 M, 58-116 M.)

**INFORMATION FILED:** 8-6-57, W. Dist. Mo., against Beaty Grocery Co., Inc., St. Joseph, Mo.

**ALLEGED VIOLATION:** Between 10-11-56 and 2-5-57, while quantities of dried lima beans and rice were being held for sale after shipment in interstate commerce, the defendant caused quantities of the articles to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets and rodent urine; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 3-7-58. \$500 fine, plus costs.

**24606. Dried pinto beans.** (F.D.C. No. 41388. S. No. 38-343 P.)

**QUANTITY:** 64 100-lb. bags at Alma, Ark., in possession of Alma Canning Co.

**SHIPPED:** 11-27-57, from Denver, Colo.

**LIBELED:** 1-30-58, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine, rodent excreta pellets, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-13-58. Consent—claimed by Alma Canning Co. Segregated; 400 lbs. destroyed.

**24607. Olives.** (F.D.C. No. 41408. S. No. 13-062 P.)

**QUANTITY:** 90 100-lb. barrels at Chicago, Ill.

**SHIPPED:** On an unknown date, from Greece.

**LIBELED:** 2-3-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 3-4-58. Default—destruction.

**24608. Dried peas.** (F.D.C. No. 41422. S. Nos. 41-741/2 P.)

**QUANTITY:** 1,985 120-lb. bags at Spokane, Wash., in possession of Spokane Seed Co.

**SHIPPED:** Between 7-9-57 and 8-30-57, from Lewiston, Idaho.

**LIBELED:** 2-12-58, E. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-11-58. Consent—claimed by Spokane Seed Co. 228,400 lbs. sold for use as seed and remainder disposed of for use as animal feed.

**24609. Sweet peppers and sweet mixed pickles.** (F.D.C. No. 40916. S. Nos. 79-486 M, 79-488 M.)

**QUANTITY:** 49 cases, 4 jars each, of sweet peppers, and 34 cases, 4 jars each, of sweet mixed pickles, at Bronx, N.Y.

**SHIPPED:** 9-19-57 or 9-20-57, from Vineland, N.J., by Colony Foods, Inc.

**LABEL IN PART:** (Jar) "Royal Scarlet Contents 1 Gallon \* \* \* Sliced Sweet Peppers" and "Royal Scarlet Contents 1 Gallon \* \* \* Fancy Sweet Mixed."

**LIBELED:** 12-2-57, S. Dist. N.Y.



CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 1-6-58. Default—destruction.

**24610. Sweet red pepper halves.** (F.D.C. No. 41403. S. No. 29-882 P.)

QUANTITY: 50 cases, 4 jars each, at New York, N.Y.

SHIPPED: 10-23-57, from Paulsboro, N.J., by Vito Patten.

LABEL IN PART: (Jar) "Tropical Palm \* \* \* Sweet Red Pepper Halves \* \* \* Packed Expressly For Lanoze Trading Co., Inc., New York, N.Y."

LIBELED: 1-30-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects, insect fragments, and fly eggs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-26-58. Default—destruction.

**24611. Canned wax peppers.** (F.D.C. No. 41159. S. Nos. 15-753 M, 28-889 M.)

INFORMATION FILED: On or about 3-19-58, N. Dist. Calif., against Henry J. Glump, t/a Superior Pickle Works, Sacramento, Calif.

ALLEGED VIOLATION: On 4-12-55, the defendant gave to a firm engaged in the business of shipping food in interstate commerce, a guaranty to the effect that food shipped by it under the guaranty would not be adulterated. On 10-17-56, the defendant caused to be shipped to the holder of the guaranty, at Palo Alto, Calif., a number of jars containing wax peppers which were adulterated.

In addition, on or about 10-23-56, the defendant shipped from Sacramento, Calif., to Reno, Nev., a number of jars of wax peppers which also were adulterated.

LABEL IN PART: (Jar) "Old Homestead Brand Contents 1 Fl. Pint Wax Peppers."

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-18-58. \$500 fine and probation for 2 years.

**24612. Sweet pickles.** (F.D.C. No. 40915. S. No. 73-696 M.)

QUANTITY: 8 cases, 12 jars each, at Albuquerque, N. Mex.

SHIPPED: 8-12-57, from La Junta, Colo., by Western Food Products Co., Inc.

LABEL IN PART: (Jar) "Western Maid \* \* \* Sweet Pickles Contents 1 Pt. 8 Fl. Oz."

LIBELED: 10-29-57, Dist. N. Mex.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 12-3-57. Default—destruction.

**24613. Canned pumpkin.** (F.D.C. No. 40982. S. No. 74-768 M.)

QUANTITY: 62 cases, 24 1-lb. 4-oz. cans each, at Seattle, Wash.

SHIPPED: On an unknown date, from the State of Oregon.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-4-57, W. Dist. Wash.

CHARGE: 402(a)(3)—contained a decomposed substance and had a bitter and metallic taste while held for sale.

DISPOSITION: 2-19-58. Default—destruction.

24614. Canned sauerkraut. (F.D.C. No. 41313. S. No. 61-653 M.)

QUANTITY: 470 cases, 24 1-lb. cans each, at Baltimore, Md.

SHIPPED: 10-25-57, from Nappanee, Ind., by Libby, McNeill & Libby.

LABEL IN PART: (Can) "Libby's Sauerkraut."

LIBELED: 12-21-57, Dist. Md.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 6-9-58. Consent—destruction.

24615. Canned sauerkraut. (F.D.C. No. 41405. S. No. 70-368 M.)

QUANTITY: 225 cases, 24 cans each, at Philadelphia, Pa.

SHIPPED: 11-19-57, from Lyons, N.Y., by Castle Kraut, Inc.

LABEL IN PART: (Can) "Castle Brand Contents 1 lb. 11 oz. Sauerkraut."

LIBELED: 1-31-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-3-58. Default—destruction.

## NUTS

24616. Unshelled almonds. (F.D.C. No. 41304. S. No. 77-220 M.)

QUANTITY: 33 cases, 24 1-lb. bags each, at East Point, Ga.

SHIPPED: 11-15-57, from Sacramento, Calif., by California Almond Growers Exchange.

LIBELED: 12-27-57, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, decomposed nuts, and shriveled nuts when shipped.

DISPOSITION: 2-3-58. Consent—claimed by California Almond Growers Exchange. Segregated; 29½ lbs. destroyed.

24617. Unshelled brazil nuts. (F.D.C. No. 40891. S. No. 82-998 M.)

QUANTITY: 147 ctns., 24 bags each, at Cincinnati, Ohio.

SHIPPED: 10-14-57, from Chicago, Ill., by Robert L. Berner Co.

LABEL IN PART: (Bag) "Holiday \* \* \* Extra Fancy Nuts Net Weight 1 Pound."

LIBELED: 11-5-57, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained decomposed nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 12-16-57. Consent—claimed by Robert L. Berner Co. Segregated; 78 lbs. destroyed.



**24618. Unshelled brazil nuts.** (F.D.C. No. 40890. S. No. 87-982 M.)

QUANTITY: 100 cases, 24 1-lb. ctns. each, at Syracuse, N.Y.

SHIPPED: 11-9-56, from New York, N.Y., by Cliff House.

LABEL IN PART: (Carton) "Cliff House Brazil Nuts."

LIBELED: 11-5-57, N. Dist. N.Y.

CHARGE: 402(a)(3)—contained moldy and decomposed nuts when shipped.

DISPOSITION: 12-9-57. Default—destruction.

**24619. Unshelled brazil nuts.** (F.D.C. No. 40980. S. No. 83-007 M.)

QUANTITY: 21 cases, 24 1-lb. bags each, at Cincinnati, Ohio.

SHIPPED: On an unknown date by an unknown shipper, from outside the State of Ohio.

LABEL IN PART: (Bag) "Tropical \* \* \* Brazil Nuts."

LIBELED: 11-27-57, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insect-damaged nuts and decomposed nuts when shipped.

DISPOSITION: 1-17-58. Default—delivered to charitable organizations for segregation and consumption of the fit portion by the inmates.

**24620. Unshelled brazil nuts and unpopped popcorn.** (F.D.C. No. 40957. S. Nos. 87-987/8 M, 88-042/4 M.)

QUANTITY: 88 cases, 24 1-lb. pkgs. each, of unshelled brazil nuts, and 185 cases, 24 1-lb. bags each, of unpopped popcorn, at Buffalo, N.Y.

SHIPPED: The brazil nuts were shipped on 10-1-56, from New York, N.Y., and the popcorn was shipped between 4-30-56 and 10-10-57, from Cedar Rapids, Iowa, and Princeton, Ind.

LIBELED: 11-15-57, W. Dist. N.Y.

CHARGE: 402(a)(3)—while held for sale, the brazil nuts contained rancid and decomposed nuts and the popcorn contained insects.

DISPOSITION: 12-27-57. Default—destruction.

**24621. Cashew nuts.** (F.D.C. No. 41386. S. No. 19-046 P.)

QUANTITY: 40 25-lb. tins at Denver, Colo.

SHIPPED: 11-26-57, from New York, N.Y., by J. E. Braun & Sons.

LABEL IN PART: (Tin) "Cashew Kernals Produce of India."

LIBELED: 1-30-58, Dist. Colo.

CHARGE: 402(a)(3)—contained insects and insect-damaged nuts when shipped.

DISPOSITION: 4-7-58. Default—consumption by animals.

**24622. Cashew nuts.** (F.D.C. No. 41365. S. No. 1-761 P.)

QUANTITY: 3 cases, 2 25-lb. cans each, at Atlanta, Ga.

SHIPPED: On an unknown date, from New York, N.Y.

LIBELED: 1-17-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insect fragments, rodent hairs, and rodent excreta pellets while held for sale.

DISPOSITION: 2-18-58. Default—consumption by animals.

**24623. Shelled peanuts and cashew nuts.** (F.D.C. No. 40947. S. Nos. 72-430 M, 72-432 M.)

QUANTITY: 19 100-lb. bags of shelled peanuts and 500 lbs. of cashew nuts in bulk at Chicago, Ill., in possession of Braun Importing Co., Inc.

SHIPPED: Between 8-22-57 and 10-15-57, from Suffolk, Va., and New York, N.Y.

LIBELED: 11-12-57, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent urine, insects, insect larvae, rodent pellets, rodent hairs, and insect fragments; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-6-57. Consent—claimed by Braun Importing Co., Inc. Reconditioned; 3 lbs. of cashew nuts and 177 lbs. of peanuts destroyed.

**24624. Shelled peanuts.** (F.D.C. No. 40970. S. No. 74-557 M.)

QUANTITY: 12 100-lb. bags at Tacoma, Wash.

SHIPPED: 7-29-57, from Williamston, N.C.

LIBELED: 1-14-58, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects and insect-damaged nuts while held for sale.

DISPOSITION: 2-4-58. Default—consumption by animals.

**24625. Shelled pecans.** (F.D.C. No. 41362. S. No. 77-774 M.)

QUANTITY: 35 30-lb. ctns. at Haines City, Fla.

SHIPPED: 10-25-57, from Nashville, Ga., by A. Levin Pecan Co.

RESULTS OF INVESTIGATION: The article had been shipped in the shell. Upon arrival in Haines City, Fla., the dealer had repackaged the article into 13-oz. cellophane bags, a portion of which were sent to Tampa, Fla., and later returned because of the presence of moldy nut meats. The returned goods then were reconditioned by the dealer and placed in the above 35 ctns., awaiting chopping for resale to bakeries.

LIBELED: 1-20-58, S. Dist. Fla.

CHARGE: 402(a)(3)—contained decomposed pecan meats while held for sale.

DISPOSITION: 4-1-58. Default—destruction.

**24626. Shelled pecans.** (F.D.C. No. 40965. S. No. 79-523 M.)

QUANTITY: 25 25-lb. ctns. at Hewlett, N.Y.

SHIPPED: 10-4-57, from Albany, Ga., by Consolidated Pecan Sales, Co., Inc.

LIBELED: 11-22-57, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 1-2-58. Consent—claimed by Consolidated Pecan Sales Co., Inc. Segregated; 61 lbs. destroyed.

**24627. Shelled walnuts.** (F.D.C. No. 41414. S. No. 6-266 P.)

QUANTITY: 10 55-lb. cases at Boston, Mass.

SHIPPED: 11-7-57, from New York, N.Y.

LIBELED: 2-5-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 3-17-58. Default—destruction.



**24628. Shelled walnuts.** (F.D.C. No. 41361. S. No. 75-647 M.)

**QUANTITY:** 4 cases at Mesa, Ariz.

**SHIPPED:** 10-21-57, from Los Angeles, Calif., by Granton Nut Co.

**LABEL IN PART:** (Front of case) "Tasty Tim Foods Mesa A' Zona \* \* \* C. O. Bashaw Los Angeles, Calif."; (back of case) "Granton's California Shelled Walnuts Light Halves H-C 25 Lbs. Net Weight."

**RESULTS OF INVESTIGATION:** The article had been stored under insanitary conditions prior to shipment.

**LIBELED:** 1-14-58, Dist. Ariz.

**CHARGE:** 402(a)(3)—contained insects when shipped; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-5-58. Default—destruction.

**24629. Shelled walnuts.** (F.D.C. No. 41214. S. No. 73-536 M.)

**QUANTITY:** 4 25-lb. ctns. at Denver, Colo.

**SHIPPED:** 11-6-57, from Saticoy, Calif., by Upton & Williams, Inc.

**LABEL IN PART:** (Ctn.) "Blue Ribbon \* \* \* California \* \* \* Pieces Walnut Meats."

**LIBELED:** 12-6-57, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 3-13-58. Default—consumption by animals.

**24630. Shelled English walnuts.** (F.D.C. No. 41356. S. No. 15-261 P.)

**QUANTITY:** 300 25-lb. ctns. at Columbus, Ohio.

**SHIPPED:** 1-7-58, from Modesto, Calif., by Haig Berberian.

**LABEL IN PART:** (Ctn.) "California Shelled Walnuts \* \* \* Halves and Pieces."

**LIBELED:** 1-21-58, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets, rodent hair fragments, insects, and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 2-24-58 and 5-26-58. Consent—claimed by Haig Berberian. Segregated; 201 lbs. destroyed.

**24631. Unshelled mixed nuts and unshelled brazil nuts.** (F.D.C. No. 40979. S. Nos. 82-802 M, 83-003 M.)

**QUANTITY:** 50 cases, 24 1-lb. bags each, of mixed nuts, and 25 cases, 24 1-lb. bags each, of brazil nuts, at Cincinnati, Ohio.

**SHIPPED:** 10-28-57, from New York, N.Y., by William A. Camp Co., Inc.

**LABEL IN PART:** (Bag) "Universal Brand Fancy Mixed Nuts" and "American Beauty Brand Extra Fancy Brazil Nuts."

**LIBELED:** 11-27-57, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—the mixed nuts and the brazil nuts contained decomposed nuts, and the mixed nuts contained also shriveled nuts and empty shells, when shipped.

**DISPOSITION:** 1-17-58. Default—delivered to charitable institutions for segregation and consumption of the fit portion by the inmates.

## OILS AND FATS

**24632. Olive oil.** (F.D.C. No. 40426. S. Nos. 61-266/7 M, 61-281 M.)

**INFORMATION FILED:** 9-4-57, Dist. Mass., against Pasquale P. Archidiacono, t/a Marconi Olive Oil Co., Boston, Mass.

**LABEL IN PART:** (Can) "One Gallon Imported Product 100% Pure Olive Oil Marconi Brand Packed By Marconi Olive Oil Co., Boston, Mass."

**ALLEGED VIOLATION:** Between 8-28-56 and 3-22-57, while quantities of cottonseed oil were being held for sale by the defendant after shipment in interstate commerce, the defendant caused quantities of the cottonseed oil to be packed into cans labeled as above and caused certain portions of the canned oil to be sold and delivered within Massachusetts, which acts resulted in the articles being adulterated and misbranded.

**CHARGE:** 402(b)(2)—cottonseed oil, with little, if any, olive oil, had been substituted for olive oil; 402(b)(4)—cottonseed oil had been added to olive oil and mixed and packed therewith so as to increase the bulk and weight and reduce the quality of the article; and 403(a)—the statement on the label, namely, "Imported Product 100% Pure Olive Oil," was false and misleading.

**PLEA:** Guilty.

**DISPOSITION:** 2-4-58. Sentence of 6 months suspended; defendant placed on probation for 2 years and fined \$1,500.

**24633. Table and cooking oil.** (F.D.C. No. 41364. S. No. 79-245 M.)

**QUANTITY:** 6 ctns., 6 cans each, at Hackensack, N.J.

**SHIPPED:** 11-1-57, from Brooklyn, N.Y., by Lucci Sales Co.

**LABEL IN PART:** (Can) "Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut & Corn Oils, 25% Pure Olive Oil Packed by Lucci Sales Co., Brooklyn, N.Y."

**RESULTS OF INVESTIGATION:** Examination showed that the article was artificially flavored cottonseed oil, with little or no olive oil present. The article was also short volume; the average shortage was found to be 3 percent.

**LIBELED:** 1-16-58, Dist. N.J.

**CHARGE:** 402(b)(1)—the valuable constituent, olive oil, had been in whole or in part omitted from the article when shipped; 402(b)(2)—artificially flavored cottonseed oil had been substituted for a mixture of 75 percent peanut and corn oils and 25 percent olive oil; 403(a)—the label statement "75% \* \* \* Peanut & Corn Oils, 25% \* \* \* Olive Oil" was false and misleading; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 3-6-58. Default—delivered to a charitable institution for its use and not for sale.

**24634. Liquid fat.** (F.D.C. No. 41370. S. Nos. 18-361 P, 83-358 P.)

**QUANTITY:** 1,000 gals. at Toledo, Ohio.

**SHIPPED:** Between 10-24-57 and 12-6-57, from Culver, Ind.

**RESULTS OF INVESTIGATION:** The article, when shipped, was invoiced as liquid fat, for use in animal feed. The oil was unlabeled and stored in an underground, outside storage tank of 6,000 gallons capacity.

Examination showed that the article was approximately 52 percent crude



petroleum oil, mixed with an unidentified oil.

**LIBELED:** 1-22-58, N. Dist. Ohio.

**CHARGE:** 402(a) (1)—contained, when shipped, an added deleterious substance, mineral oil, which may have rendered it injurious to health; and 402(b) (2)—mineral oil had been substituted in whole or in part for edible oil.

**DISPOSITION:** 2-20-58. Default—destruction.

## POULTRY

**24635. Dressed poultry.** (F.D.C. No. 40856. S. Nos. 62-617/8 M.)

**QUANTITY:** 7 crates of dressed chickens and 1 crate of dressed turkeys at Bronx, N.Y.

**SHIPPED:** 9-15-57 and 9-18-57, from Frankford, Del., by Eagle Poultry Packers, Inc.

**LIBELED:** 11-12-57, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—when shipped, contained birds contaminated with fecal matter and torn and bruised birds; and 402(a) (5)—contained diseased birds.

**DISPOSITION:** 1-6-58. Default—destruction.

**24636. Eviscerated chickens.** (F.D.C. No. 40855. S. No. 62-616 M.)

**QUANTITY:** 7 crates containing a total of 363 lbs. at Bronx, N.Y.

**SHIPPED:** 8-20-57, from Frankford, Del.

**LIBELED:** 11-12-57, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained birds in a slimy condition, with a sour odor of putrid decomposition while held for sale.

**DISPOSITION:** 1-6-58. Default—destruction.

**24637. Dressed turkeys.** (F.D.C. No. 41294. S. No. 62-642 M.)

**QUANTITY:** 7 crates containing a total of 460 lbs. at New York, N.Y.

**SHIPPED:** 11-20-57, from Springfield, Mo., by Producers Produce Co.

**LIBELED:** 1-21-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained birds contaminated with fecal material and feathers and torn and bruised birds when shipped; and 402(a) (5)—contained diseased birds.

**DISPOSITION:** 2-19-58. Default—destruction.

**24638. Dressed turkeys.** (F.D.C. No. 40977. S. No. 62-620 M.)

**QUANTITY:** 5 crates containing a total of 328 lbs. at New York, N.Y.

**SHIPPED:** 11-13-57, from Keyser, W. Va., by Keyser Poultry, Inc.

**LIBELED:** 12-12-57, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained birds contaminated with fecal matter and crop material and torn and bruised birds; and 402(a) (5)—contained diseased birds.

**DISPOSITION:** 1-6-58. Default—destruction.

**24639. Frozen chicken chow mein.** (F.D.C. No. 40969. S. No. 75-873 M.)

**QUANTITY:** 6 ctns., each containing 6 bags and each bag containing 6 1-lb. boxes, at Burlington, Vt.

**SHIPPED:** 8-26-57, from Cambridge, Mass., by Hung's Food Products, Inc.

**LABEL IN PART:** "Chicken Chow Mein \* \* \* Net Wt. One Pound \* \* \* Hung's Quick Frozen."

**LIBELED:** 11-21-57, Dist. Vt.

**CHARGE:** 402(a) (3)—contained insect fragments and rodent or mouse hairs; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 2-12-58. Default—consumption by animals.

**24640. Frozen fried rice with chicken.** (F.D.C. No. 40976. S. No. 76-355 M.)

**QUANTITY:** 39 pkgs., 6 10-oz. ctns. each, at Providence, R.I.

**SHIPPED:** 9-11-57 and 10-23-57, from Cambridge, Mass., by Hung's Food Products, Inc.

**LABEL IN PART:** (Ctn.) "Frozen Fried Rice with Chicken \* \* \* Hung's."

**LIBELED:** 11-26-57, Dist. R.I.

**CHARGE:** 402(a) (3)—contained insect fragments, rodent hair fragments, feathers, and feather barbules; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 12-30-57. Default—destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**24641. Coriander seed.** (F.D.C. No. 40874. S. No. 75-717 M.)

**QUANTITY:** 83 110-lb. bags at Los Angeles, Calif.

**SHIPPED:** 1-18-57, from Casablanca.

**LIBELED:** 10-23-57, S. Dist. Calif.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 1-15-58. Consent—claimed by Herbert H. Hischemoeller, t/a Hismoco, Los Angeles, Calif. Reconditioned; 514 lbs. destroyed.

**24642. Ginger (2 seizure actions).** (F.D.C. No. 40936. S. Nos. 62-630/2 M.)

**QUANTITY:** 12 190-lb. bags and 56 200-lb. bags at New York, N.Y.

**SHIPPED:** 6-17-57, from Jamaica, British West Indies.

**LIBELED:** 11-21-57 and 12-12-57, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-27-57. Ludwig Mueller Co., Inc., New York, N.Y., claimant for 28 bags of the article, having consented to the entry of a decree, judgment of condemnation was entered and 28 bags were released under bond for reconditioning. As a result of the reconditioning operations, 827 lbs. were found unfit and were destroyed.

2-10-58. Otto Gerdau Co., claimant for the remainder of the article, having consented to the entry of a decree, judgment of condemnation was entered and the article was released under bond for reconditioning. 839 lbs. were found unfit and were destroyed.



**24643. Imitation nutmeg base.** (F.D.C. No. 40921. S. No. 68-560 M.)

QUANTITY: 7 170-lb. drums at New York, N.Y.

SHIPPED: 8-26-57, from Kalamazoo, Mich., by Farmers Chemical Co., Inc.

LABEL IN PART: "Imitation Nutmeg Base Lot N-4727."

RESULTS OF INVESTIGATION: Examination showed that the article was ground paprika, containing 0.1 percent volatile oil.

LIBELED: 12-2-57, S. Dist. N.Y.

CHARGE: 402(b)(1)—a valuable constituent, oleoresin paprika, had been in part omitted or abstracted from the article.

DISPOSITION: 1-6-58. Default—destruction.

**24644. Chili pepper and paprika.** (F.D.C. No. 41369. S. Nos. 15-363/4 P.)

QUANTITY: 2 drums, 350 lbs. total, of chili pepper, and 3 drums, 550 lbs. total, of paprika, at Cincinnati, Ohio.

SHIPPED: Between 3-21-54 and 12-29-54, from Los Angeles, Calif.

LIBELED: 1-17-58, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 2-3-58. Default—destruction.

**24645. Chili pepper seed.** (F.D.C. No. 40914. S. No. 49-197 M.)

QUANTITY: 31 150-lb. bags at Chicago, Ill.

SHIPPED: 4-23-53, from San Antonio, Tex.

LIBELED: 10-25-57, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-4-57. Consent—claimed by B. Heller & Co., Chicago, Ill. Reconditioned; 837 lbs. destroyed.

**24646. Red peppers.** (F.D.C. No. 40864. S. No. 471 M.)

QUANTITY: 6 100-lb. bags at Portland, Ind.

SHIPPED: 8-21-57, from Toledo, Ohio, by Woolson Spice Co.

LABEL IN PART: "Japan Chilles Hontaka No. 1 \* \* \* Net 100 Lbs."

LIBELED: 10-22-57, N. Dist. Ind.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 12-23-57. Default—destruction.

**24647. Poppyseed.** (F.D.C. No. 41413. S. No. 34-183 P.)

QUANTITY: 9 110-lb. bags at Philadelphia, Pa., in possession of Semple & Co.

SHIPPED: Prior to 8-16-57, from Holland.

LIBELED: 2-6-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained rancid seeds; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-3-58. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**24648. Lennards' multivitamin capsules.** (F.D.C. No. 40911. S. No. 69-014 M.)

QUANTITY: 49 btls. at Rochelle Park, N.J.

SHIPPED: 9-1-57, from Wellesley, Mass., by Randolph Laboratories.

**LABEL IN PART:** "Lennards' High Potency 100 Capsules Multivitamin B<sub>12</sub>—Folic Acid \* \* \* Thiamin Chloride (B<sub>1</sub>) 15 mg. \* \* \* Ascorbic Acid 100 Mg. \* \* \* Nicotinamide 50 mg."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained less than 3 mg. of vitamin B<sub>1</sub> per capsule, less than 10 mg. of vitamin C per capsule, and less than 25 mg. of nicotinamide per capsule.

**LIBELED:** 10-28-57, Dist. N.J.

**CHARGE:** 402(b)(1)—valuable constituents, vitamin B<sub>1</sub>, vitamin C, and nicotinamide, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "Thiamin Chloride (B<sub>1</sub>) 15 mg. \* \* \* Ascorbic Acid 100 Mg. \* \* \* Nicotinamide 50 mg." was false and misleading.

**DISPOSITION:** 12-17-57. Default—destruction.

**24649. Calirovit vitamin tablets.** (F.D.C. No. 40899. S. No. 82-931 M.)

**QUANTITY:** 48 100-tablet btls. at Kempton, Ind.

**SHIPPED:** 8-13-57, from New York, N.Y., by Yates Drug Co., Inc.

**LABEL IN PART:** "List No. 575 100 Tablets Calirovit \* \* \* 400 U.S.P. Vitamin D Units."

**LIBELED:** 12-13-57, S. Dist. Ind.

**CHARGE:** 402(b)(1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "Each tablet provides twice the M.A.D.R. for \* \* \* Vitamin D" was false and misleading.

**DISPOSITION:** 6-27-58. Default—destruction.

**24650. Canned corn, canned peas, and canned carrots.** (F.D.C. No. 40860. S. Nos. 80-112/4 M.)

**QUANTITY:** 42 cases, 24 cans each, of peas; 19 cases, 24 cans each, of corn; and 11 cases, 24 cans each, of carrots, at Davenport, Iowa.

**SHIPPED:** 11-27-56, from Sussex, Wis., by Mammoth Spring Canning Co.

**LABEL IN PART:** (Can) "Kewpie Sweet Peas [or "Kewpie Whole Kernel Golden Corn" or "Kewpie Diced Carrots"] Dietetic Water Pack No Salt or Sugar Used \* \* \* For Special Dietary Use \* \* \* Contents 1 Lb."

**RESULTS OF INVESTIGATION:** Examination showed that the peas contained 9.5 mg. of sodium per 100 grams; that the corn contained 5.9 mg. of sodium per 100 grams; and that the carrots contained 43.4 mg. of sodium per 100 grams.

**LIBELED:** 10-24-57, S. Dist. Iowa.

**CHARGE:** 403(j)—when shipped, the articles purported to be and were represented as foods for special dietary use by reason of their use as a means of regulating the intake of sodium or salt (sodium chloride), and their labels failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of each article and a statement of the number of milligrams of sodium in an average serving of each article.

**DISPOSITION:** 2-3-58. Default—delivered to a charitable institution for its use and not for sale.



## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 24551 TO 24650

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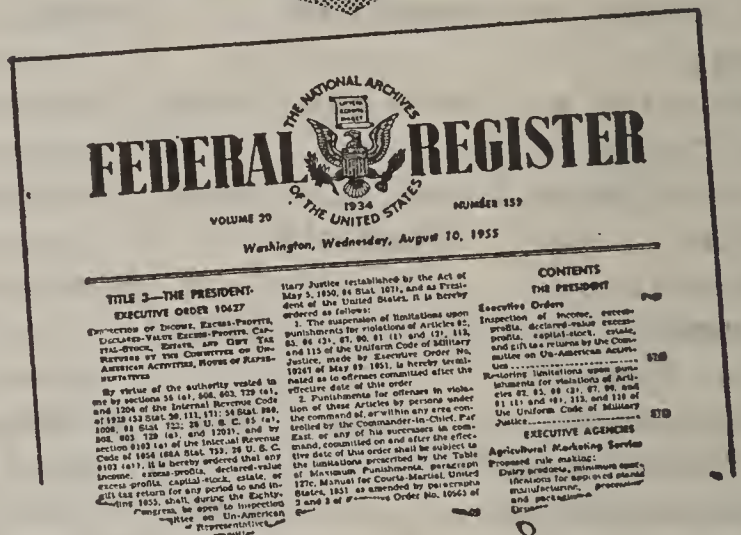
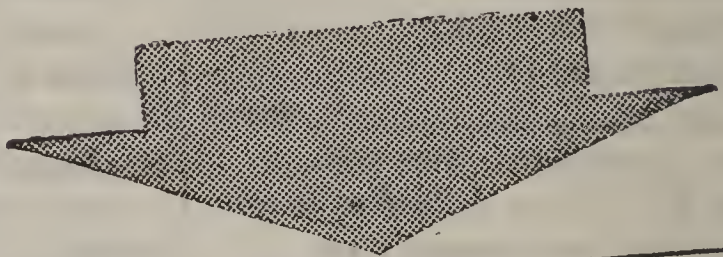


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U.S. Department of Health, Education, and Welfare  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24651-24750

FOODS

MAY 14 1959  
U. S. DEPARTMENT OF AGRICULTURE

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty; and (3) an injunction proceeding terminated by dismissal after issuance of a temporary restraining order and correction by defendants. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., April 28, 1959.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 24651-24750

*Adulteration*, Section 402(a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in seven other cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of 408(a) ; Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food ; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth ; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article ; Section 402(b) (2), a substance had been substituted wholly or in part for the article ; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality ; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice ; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity ; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare ; or such tolerance had been so prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

*Misbranding*, Section 403(a), the labeling on the article was false and misleading ; Section 403(c), the article was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated ; Section 403(d), the article was in a container so filled as to be misleading ; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the contents in terms of weight, measure, or numerical count ; Section 403(f), certain words, statements and other information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use ; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard ; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and it failed to bear a label stating that the quality fell below such standard ; Section 403(i) (2), the article was not subject to the provisions of 403(g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient ; and Section 403(k), the article contained a preservative, and it failed to bear labeling stating that fact.



## CEREALS AND CEREAL PRODUCTS

## BAKERY PRODUCTS

**24651. Nut Crunch.** (F.D.C. No. 41349. S. No. 21-265 P.)

**QUANTITY:** 21 cases, 56 pkgs. each, at Kansas City, Mo.

**SHIPPED:** 1-3-58, from Memphis, Tenn., by Stewarts.

**LABEL IN PART:** (Pkg.) "Hostess 10 cent Nut Crunch Net Wt. 1 $\frac{3}{4}$  Ozs.  
Ingredients: \* \* \* Peanut Butter."

**RESULTS OF INVESTIGATION:** Examination showed that the article was a chocolate-covered wafer sandwich having a soft white filler. No peanut butter or other nut material was detected.

**LIBELED:** 1-10-58, W. Dist. Mo.

**CHARGE:** 403(a)—when shipped, the name of the article "Nut Crunch" and the label statement "Ingredients \* \* \* Peanut Butter" were false and misleading for an article containing no peanut butter or other nut material; and 403(f)—the label of the article failed to bear the declaration of net weight, ingredients, and the firm's name and address, thereon, with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 3-19-58. Default—delivered to a municipal institution for its use, and not for sale.

**24652. Corn chips.** (F.D.C. No. 40898. S. No. 78-263 M.)

**QUANTITY:** 24 cases, 12 4-oz. bags each, and 24 cases, 36 2-oz. bags each, at Kansas City, Mo.

**SHIPPED:** 10-19-57, from Holton, Kans., by E. D. Gilkerson & Sons.

**LABEL IN PART:** (Bag) "Red Diamond Corn Chips."

**LIBELED:** On or about 11-14-57, W. Dist. Mo.

**CHARGE:** 402(a) (3)—contained insects and insect fragments when shipped.

**DISPOSITION:** 1-13-58. Default—consumption by animals.

**24653. Bakery products.** (F.D.C. No. 40461. S. Nos. 53-893 M, 81-273/4 M, 82-029/30 M.)

**INFORMATION FILED:** 1-10-58, M. Dist. Ga., against Benson's Bakery, a partnership, t/a Benson's Refrigerated Foods, Bogart, Ga., and W. Howard Benson, partner, Howard E. Benson, partner, John R. Martin, plant manager, and Edgar C. Blair, general production manager.

**SHIPPED:** Between 5-29-57 and 7-23-57, from Georgia to Louisiana and the District of Columbia.

**LABEL IN PART:** (Pkg.) "Benson's \* \* \* French Hard Enriched Rolls" [or "Benson's Ice Box Danish Cinnamon Curls" or "Heidi \* \* \* Ice Box Biscuits"].

**CHARGE:** 402(a) (3)—contained insect parts and rodent hair fragments; and 402(a) (4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 6-2-58. Each defendant fined \$75.

**FLOUR\***

**24654. Flour.** (F.D.C. No. 39562. S. No. 42-874 M.)

**QUANTITY:** 202 25-lb. bags at Morrilton, Ark.

**SHIPPED:** 7-28-56, from Salina, Kans.

**LIBELED:** 9-13-56, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 10-15-56. Default—denatured for use as animal feed.

**24655. Flour.** (F.D.C. No. 41003. S. No. 83-698 M.)

**QUANTITY:** 46 100-lb. bags at Galesburg, Ill., in possession of W. A. Jordan Co.

**SHIPPED:** 10-2-57, from Minneapolis, Minn.

**LIBELED:** 11-20-57, S. Dist. Ill.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-18-57. Default—sold for animal feed.

**24656. Flour, unpopped popcorn, rice, dried navy beans, dried lima beans, dried pinto beans.** (F.D.C. No. 40645. S. Nos. 83-721/7 M, 83-729 M.)

**QUANTITY:** 108 100-lb. bags of flour, 13 100-lb. bags of unpopped popcorn, 6 100-lb. bags of rice, 6 100-lb. bags of dried navy beans, 2 100-lb. bags of dried lima beans, and 1 100-lb. bag of dried pinto beans, at Galesburg, Ill., in possession of Brown Specialty Co.

**SHIPPED:** Between December 1954 and 8-9-57, from Minneapolis, Minn.; Atchison, Kans.; Schaller, Iowa; Carlisle, Ark.; Saginaw, Mich.; Oxnard, Calif.; and Morrill, Nebr.

**LIBELED:** 9-19-57, S. Dist. Ill.

**CHARGE:** 402(a)(3)—contained insects and (lima beans and pinto beans) insect-damaged beans; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 10-1-57. Default—consumption by animals.

**24657. Flour and white cornmeal.** (F.D.C. No. 40695. S. Nos. 84-003/5 M.)

**QUANTITY:** 30 50-lb. bags and 36 25-lb. bags of flour, and 96 25-lb. bags and 35 bales, 12 2-lb. bags each, of cornmeal at Hot Springs, Ark.

**SHIPPED:** Between 5-14-57 and 7-19-57, from Denton, Tex., St. Joseph, Mo., and Memphis, Tenn.

**LIBELED:** 10-14-57, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained insects and rodent urine while held for sale.

**DISPOSITION:** 12-19-57. Default—consumption by animals.

**24658. Flour, batter mix, and egg noodles.** (F.D.C. No. 40964. S. Nos. 65-044/7 M.)

**QUANTITY:** 80 10-lb. bags and 3 25-lb. bags of flour, 10 cases, 24 10-oz. pkgs. each, of batter mix, and 6 cases, 20 10-oz. pkgs. each, of egg noodles, at Cincinnati, Ohio, in possession of the Henry Helmer Grocery Co.

**SHIPPED:** Between 8-24-56 and 9-19-57, from Wichita, Kans., Detroit and Jackson, Mich., and Jersey City, N.J.

**LIBELED:** 11-14-57, S. Dist. Ohio.

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\*See also Nos. 24672, 24674, and 24719.



**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-27-57. Default—consumption by animals.

**24659. Flour.** (F.D.C. No. 41004. S. No. 73-380 M.)

**QUANTITY:** 38 50-lb. bags at Cheyenne, Wyo., in possession of Asher Wyoming Co.

**SHIPPED:** 9-30-57, from Wichita, Kans.

**LIBELED:** 11-29-57, Dist. Wyo.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-8-58. Default—destruction.

**24660. Flour.** (F.D.C. No. 40939. S. Nos. 77-101/3 M.)

**QUANTITY:** 475 25-lb. bags at Macon, Ga., in possession of Timberlake Grocery Co.

**SHIPPED:** Between 8-1-57 and 10-4-57, from Minneapolis, Minn., and Chattanooga, Tenn.

**LIBELED:** 11-13-57, M. Dist. Ga.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-13-58. Default—destruction.

**24661. Flour and roll mix.** (F.D.C. No. 40954. S. Nos. 65-133/6 M.)

**QUANTITY:** 83 100-lb. bags of flour and 15 100-lb. bags of roll mix at Knoxville, Tenn., in the possession of H. T. Hackney Co.

**SHIPPED:** Between 2-7-57 and 8-27-57, from Springfield, Ill.

**LIBELED:** 11-14-57, E. Dist. Tenn.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-11-58. Consent—claimed by H. T. Hackney Co. and converted into animal feed.

**24662. Flour.** (F.D.C. No. 41286. S. No. 83-098 M.)

**QUANTITY:** 138 bags, 25 lbs. each, at Ashland, Ky., in possession of Ashland Grocery Co.

**SHIPPED:** 9-4-57 and 10-21-57, from Salina, Kans.

**LIBELED:** 12-12-57, E. Dist. Ky.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-13-58. Consent—claimed by Ashland Grocery Co. and converted to stock feed.

#### MACARONI AND NOODLE PRODUCTS\*

**24663. Macaroni products.** (F.D.C. No. 41287. S. Nos. 67-988/98 M.)

**QUANTITY:** 3 cases, 24 8-oz. bags each, 5 cases, 24 5-oz. bags each, and 2 cases, 24 10-oz. bags each of noodles, 3 cases, 24 bags each of dumplings, 1 case of

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\*See also No. 24658.

12 10-oz. pkgs. of vermicelli, 2 cases, 24 10-oz. bags each, 32 10-oz. bags and 21 bags of macaroni, and 3 cases, 24 10-oz. bags each, and 10 10-oz. bags of spaghetti at Okemah, Okla.

SHIPPED: Prior to 5-17-57, from Omaha, Nebr.

LIBELED: 12-13-57, E. Dist. Okla.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 1-31-58. Default—destruction.

**24664. Dumplings and spaghetti.** (F.D.C. Nos. 40740, 40741. S. Nos. 44-384/5 M.)

QUANTITY: 6 cases, 26 8-oz. bags each, of dumplings and 16 cases, 24 6-oz. pkgs. each, of spaghetti at Little Rock, Ark.

SHIPPED: 5-8-56 and 7-8-57, from Memphis, Tenn., and Omaha, Nebr.

LIBELED: 9-18-57, E. Dist. Ark.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 10-30-57 and 4-7-58. Default—destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**24665. Wheat.** (F.D.C. No. 40524. S. No. 69-817 M.)

QUANTITY: 500 bu. at Hartly, Del.

SHIPPED: 7-14-57, from Philadelphia, Pa. This was a return shipment.

LIBELED: 7-19-57, Dist. Del.

CHARGE: 402(a) (2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 9-4-57. Consent—claimed by Roger A. Davis & Son Grain Co., Hartly, Del., and denatured for use as seed wheat.

**24666. Wheat.** (F.D.C. No. 41224. S. No. 68-022 M.)

QUANTITY: 54,240 lbs. at Kansas City, Kans.

SHIPPED: 11-30-57, from California, Mo., by MFA Cooperative Association.

LIBELED: 12-11-57, Dist. Kans.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 1-10-58. Consent—claimed by MFA Cooperative Association. The article was reconditioned, with the result that 8,270 lbs. were segregated as unfit.

**24667. Wheat.** (F.D.C. No. 41384. S. No. 26-602 P.)

QUANTITY: 120,600 lbs. at Minneapolis, Minn.

SHIPPED: 1-9-58, from Belfield, N. Dak., by Farmers Union Elevator Co.

LIBELED: 1-31-58, Dist. Minn.

CHARGE: 402(a) (2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

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\*See also Nos. 24656, 24658, and 24661.



DISPOSITION: 2-13-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 15,400 lbs. destroyed.

24668. Wheat. (F.D.C. No. 41395. S. No. 40-921 P.)

QUANTITY: 122,760 lbs. at Seattle, Wash.

SHIPPED: 1-17-58, from Farmington, Mont., by Gallatin Valley Milling Co.

LIBELED: 2-6-58, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 2-14-58. Consent—claimed by Fisher Flouring Mills Co., Seattle, Wash., and converted into animal feed.

24669. Wheat. (F.D.C. No. 41379. S. No. 26-107 P.)

QUANTITY: 27,000 lbs. at Superior, Wis.

SHIPPED: 1-8-58, from Hickson, N. Dak., by Equity Elevator & Trading Co.

LIBELED: 1-21-58, W. Dist. Wis.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 2-21-58. Consent—claimed by Equity Elevator & Trading Co. and denatured.

24670. Wheat. (F.D.C. No. 41393. S. No. 25-719 P.)

QUANTITY: 113,000 lbs. at Minneapolis, Minn.

SHIPPED: 1-20-58, from Cooperstown, N. Dak., by Farmers Union Grain Terminal Association.

LIBELED: 2-7-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 2-26-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 4,440 lbs. converted to animal feed.

24671. Wheat. (F.D.C. No. 41589. S. No. 26-120 P.)

QUANTITY: 39,260 lbs. at Superior, Wis.

SHIPPED: 2-11-58, from Glyndon, Minn., by Clay Center Cooperative.

LIBELED: 2-24-58, W. Dist. Wis.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 3-3-58. Consent—claimed by Clay Center Cooperative, Glyndon, Minn., and denatured.

24672. Rice and flour. (F.D.C. No. 40968. S. Nos. 76-616/8 M, 76-724/6 M, 76-729 M.)

QUANTITY: 566 100-lb. bags of rice and 226 100-lb. bags, and 21 25-lb. bags of flour at Boston, Mass.

SHIPPED: On 8-19-57 and 9-6-57, and other dates unknown, from Edgewater, N.J., Houston, Tex., and other places outside the State of Massachusetts.

LIBELED: 11-20-57, Dist. Mass.

CHARGE: 402(a)(3)—contained insects, insect fragments, and rodent hairs while held for sale.

DISPOSITION: 1-8-58. Consent—claimed by Samuel Kurr, t/a Samuel Kurr & Co., Boston, Mass. Segregated; 228 lbs. of rice and all of the flour destroyed.

**24673. Rice and unshelled walnuts.** (F.D.C. No. 40698. S. Nos. 67-793/5 M.)

**QUANTITY:** 22 100-lb. bags of rice and 62 100-lb. bags of unshelled walnuts at Kansas City, Kans., in possession of Federal Cold Storage.

**SHIPPED:** Between 2-23-56 and 11-21-56, from South Dos Palos, Stockton, and Chico, Calif.

**LIBELED:** 10-21-57, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-16-58. Default—consumption by animals.

**24674. Rice and flour.** (F.D.C. No. 41277. S. Nos. 66-761/6 M.)

**QUANTITY:** 13 100-lb. bags, and 23 25-lb. bags of rice and 101 100-lb. bags, and 77 50-lb. bags of flour at Reno, Nev., in possession of Sun Blest Foods of Nevada.

**SHIPPED:** Between 5-9-57 and 10-1-57, from Ogden, Utah, and San Francisco, Calif.

**LIBELED:** 12-13-57, Dist. Nev.

**CHARGE:** 402(a)(3)—contained insects, insect excreta pellets, bird excreta, and rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-17-58. Consent—claimed by Sun Blest Foods of Nevada. Segregated; 35 bags of rice and 120 bags of flour were denatured.

**24675. Rye.** (F.D.C. No. 41260. S. No. 78-042 M.)

**QUANTITY:** 76,170 lbs. at Omaha, Nebr.

**SHIPPED:** 12-4-57, from Havre, Mont., by Centennial Mills, Inc.

**LIBELED:** 12-30-57, Dist. Nebr.

**CHARGE:** 402(a)(3)—contained decomposed rye when shipped.

**DISPOSITION:** 1-17-58. Consent—destruction.

**24676. Shelled corn.** (F.D.C. No. 41296. S. No. 55-066 M.)

**QUANTITY:** 250 bushels at Harrodsburg, Ky.

**SHIPPED:** 6-1-57, from New Albany, Ind., by Garrison Elevator Co., Inc.

**LIBELED:** 12-18-57, E. Dist. Ky.

**CHARGE:** 402(a)(2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, thiram, which was unsafe within the meaning of the law since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on shelled yellow corn has been prescribed by regulations.

**DISPOSITION:** 1-29-58. Default—destruction.

**24677. Oats.** (F.D.C. No. 41390. S. No. 25-714 P.)

**QUANTITY:** 75,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 1-21-58, from Marcus, Iowa, by Sands Seed Service.

**LIBELED:** 2-5-58, Dist. Minn.

**CHARGE:** 402(a)(2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on oats has been prescribed by regulations.

**DISPOSITION:** 2-7-58. Consent—claimed by Sands Seed Service and destroyed.



**24678. Oatmeal.** (F.D.C. No. 41335. S. No. 80-515 M.)

**QUANTITY:** 36 100-lb. bags at Red Wing, Minn., in possession of Friedrich & Kempe Co., Inc.

**SHIPPED:** 10-7-57, from Cedar Rapids, Iowa.

**LIBELED:** 1-9-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-25-58. Default—consumption by animals.

**24679. Unpopped popcorn.** (F.D.C. No. 41297. S. No. 54-956 M.)

**QUANTITY:** 6 100-lb. bags at Seattle, Wash.

**SHIPPED:** Between 7-15-57 and 9-15-57, from Schaller, Iowa.

**LIBELED:** 12-20-57, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 1-20-58. Default—destruction.

**24680. Unpopped popcorn.** (F.D.C. No. 41418. S. Nos. 14-604/6 P.)

**QUANTITY:** 46,037 lbs. of bulk popcorn and 199 cases, 12 2-lb. bags each, of popcorn at Dixon, Ill.

**SHIPPED:** 1-20-58 and 1-21-58, from Odebolt, Iowa, by Turin Popcorn Co.

**RESULTS OF INVESTIGATION:** The article in the 2-lb. bags was repackaged by the consignee from bulk popcorn which had been shipped as described above.

**LIBELED:** 2-11-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained insects, rodent excreta pellets, and rodent hairs when shipped; and 402(a)(4)—had been held under insanitary conditions when shipped.

**DISPOSITION:** 3-7-58 and 3-13-58. Default—converted to animal feed.

## CHOCOLATE, CONFECTIONERY, AND SIRUP

### CHOCOLATE PRODUCTS

**24681. Chocolate chips.** (F.D.C. No. 40866. S. No. 59-638 M.)

**QUANTITY:** 16 cases at South Bend, Ind.

**SHIPPED:** 9-12-57, from Chicago, Ill., by Cook Chocolate Co.

**LABEL IN PART:** "Simon's Semi-Sweet Chocolate Chips Net Weight 25 Lbs."

**LIBELED:** 10-22-57, N. Dist. Ind.

**CHARGE:** 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 2-27-58. Default—destruction.

**24682. Chocolate liquor.** (F.D.C. No. 40845. S. No. 68-618 M.)

**QUANTITY:** 9 140-lb. bales at New York, N. Y., in possession of Jay Storage & Packing Corp.

**SHIPPED:** On an unknown date, from Brazil.

**LIBELED:** 11-12-57, S. Dist. N. Y.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-29-58. Consent—claimed by Transcontinental Commodities, Inc., New York., N. Y. Segregated; 150 lbs. destroyed.

### CONFECTIONERY

**24683. Candy Easter eggs.** (F.D.C. No. 41459. S. Nos. 23-421/5 P.)

QUANTITY: 4 cases, 4 5-lb. boxes each, 6 cases, each containing 4 boxes of 20 2½-oz. bags each, 7 cases, 6 12-oz. boxes each, 7 cases, 24 4¼-oz. boxes each, and 6 5-oz. boxes at Los Angeles, Calif.

SHIPPED: 1-20-58, from Holland.

LIBELED: 3-7-58, S. Dist. Calif.

CHARGE: 402(a)(3)—contained moldy candy while held for sale.

DISPOSITION: 4-8-58. Default—destruction.

**24684. Candy.** (F.D.C. No. 41339. S. No. 50-555 M.)

QUANTITY: 38 cases, 24 pieces each, at Los Angeles, Calif.

SHIPPED: 12-10-57, from Houston, Tex., by Good-N-Rich Candy Co.

LABEL IN PART: "Pecan Praline \* \* \* Net Wt. 1½-oz."

LIBELED: 1-10-58, S. Dist. Calif.

CHARGE: 402(a)(3)—contained mold when shipped.

DISPOSITION: 2-5-58. Default—destruction.

### SIRUP

**24685. Cane sirup.** (F.D.C. No. 41651. S. Nos. 28-077/8 P.)

QUANTITY: 19 cases, 12 4-lb. 1-oz. cans each, and 25 cases, 12 2-lb. 2 oz. cans each, at New Orleans, La.

SHIPPED: Between 1-29-58 and 3-10-58, from Montgomery, Ala., by Alaga Syrup Co.

LABEL IN PART: (Can) "New Crop Whitfield Country Georgia Ribbon Cane Pure Syrup" or "Whitfield Country Georgia Ribbon Cane Pure Syrup."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of cane sirup and glucose.

LIBELED: 4-4-58, E. Dist. La.

CHARGE: 402(b)(2)—when shipped, glucose had been substituted in part for cane sirup; and 403(e)(2)—the label failed to bear an accurate statement of the quantity of contents, since the quantity of contents was expressed in terms of weight instead of volume.

DISPOSITION: 5-15-58. Default—delivered to charitable institutions for use on the premises, and not for sale.

**24686. Sorghum sirup.** (F.D.C. No. 40894. S. No. 78-261 M.)

QUANTITY: 104 cans at Lawrence, Kans.

SHIPPED: 9-16-57, from Joplin, Mo., by H. H. McClain.

LABEL IN PART: "Country Sorghum \* \* \* Citric Acid Added \* \* \* Minimum Weight 4½ Pounds Cane Sugar Added."

LIBELED: 11-12-57, Dist. Kans.



**CHARGE:** 402(b)(2)—invert sugar sirup and sugar, or sugar sirup, had been substituted in part for sorghum when shipped; 403(a)—the label statement “Country Sorghum” was false and misleading as applied to the article which also contained invert sugar sirup and sugar or sugar sirup; and 403(f)—the statement of ingredients required to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 1-21-58. Default—delivered to a charitable institution for its use.

## DAIRY PRODUCTS

### BUTTER

**24687. Butter.** (F.D.C. Nos. 40494, 40505. S. Nos. 67-762 M, 78-440 M.)

**QUANTITY:** 81 64-lb. cubes at Kansas City, Mo.

**SHIPPED:** 7-16-57 and 8-6-57, from Bedford, Iowa, by Cudahy Packing Co.

**LABEL IN PART:** “Creamery Butter \* \* \* The Cudahy Packing Co. Distributors General Offices, Omaha, Nebr.”

**LIBELED:** 7-19-57 and 8-9-57, W. Dist. Mo.

**CHARGE:** 402(a)(3)—consisted of a decomposed substance, when shipped, by reason of the use of decomposed cream in its manufacture.

**DISPOSITION:** 9-5-57. Consent—claimed by Cudahy Packing Co., Omaha, Nebr., and converted into butter oil.

**24688. Butter.** (F.D.C. No. 40796. S. No. 72-501 M.)

**QUANTITY:** 65 60-lb. cubes at Napoleon, Ohio.

**SHIPPED:** 7-27-57, from Litchfield, Mich., by Litchfield Dairy Association, Inc.

**LIBELED:** 8-15-57, N. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained rodent hair and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 10-4-57. Default—destruction.

**24689. Butter.** (F.D.C. No. 39219. S. No. 35-875 M.)

**QUANTITY:** 21 60-lb. boxes at Chicago, Ill.

**SHIPPED:** 6-16-56, as decomposed cream, in small lots, from various places in Indiana, Kentucky, Missouri, New York, Arkansas, and West Virginia.

**RESULTS OF INVESTIGATION:** The above-mentioned decomposed cream was used in the manufacture of the butter that was seized.

**LIBELED:** 7-20-56, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained decomposed cream.

**DISPOSITION:** 8-14-56. Consent—claimed by Sunset Valley Creamery Co., Chicago, Ill., and converted into butter oil.

**24690. Butter (2 seizure actions).** (F.D.C. Nos. 40806, 40812. S. Nos. 73-097/8 M.)

**QUANTITY:** 44 64-lb. boxes at Denver, Colo.

**SHIPPED:** 9-10-57, from Beloit, Kans.

**LIBELED:** 9-13-57 and 9-27-57, Dist. Colo.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-4-57. The libel actions having been consolidated, and the Beloit Dairy Products, Beloit, Kans., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the products were released for conversion into butter oil.

**24691. Butter.** (F.D.C. No. 40811. S. No. 79-920 M.)

QUANTITY: 47 64-lb. boxes at Fountain City, Wis.

SHIPPED: 8-14-57, from Aberdeen, S. Dak.

LIBELED: 8-28-57, W. Dist. Wis.

CHARGE: 402(a) (3)—while held for sale, a portion of the article was decomposed; and 402(b) (2)—while held for sale, a portion of the article contained less than 80 percent by weight of milk fat.

DISPOSITION: 10-8-57. Consent—claimed by Farmers & Merchants Creameries, Inc., Summit, S. Dak. The low-fat butter was reworked to bring it into compliance with the law, and the decomposed butter consisting of 768 lbs. was denatured.

**24692. Butter.** (F.D.C. No. 40506. S. No. 55-047 M.)

QUANTITY: 20 64-lb. boxes at Louisville, Ky.

SHIPPED: 7-23-57, from Chicago, Ill., by Fox Deluxe Foods, Inc.

LABEL IN PART: "Creamery Butter \* \* \* Ravenwood Co-op Creamery, Inc., Ravenwood, Mo."

LIBELED: 8-8-57, W. Dist. Ky.

CHARGE: 402(b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 10-8-57. Consent—claimed by Fox Deluxe Foods, Inc., and reworked.

**24693. Butter.** (F.D.C. No. 40805. S. Nos. 78-842/9 M.)

QUANTITY: 1,074 64-lb. ctns. at Jersey City, N. J.

SHIPPED: Between 5-26-57 and 6-25-57, from Galeton, Pa., by Sunnydale Farms, Inc.

LIBELED: 9-9-57, Dist. N. J.

CHARGE: 402(b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 10-11-57. Consent—claimed by Sunnydale Farms, Inc., Brooklyn, N. Y., and reworked to bring it into compliance with the law.

**24694. Butter.** (F.D.C. No. 40801. S. No. 64-291 M.)

QUANTITY: 41 cases, 6 5-lb. prints each, at Buffalo, N.Y.

SHIPPED: 9-11-57, from Pittsburgh, Pa., by Fairmont Foods.

LABEL IN PART: (Print) "Fairmont Butter."

LIBELED: 9-24-57, W. Dist. N. Y.

CHARGE: 402(b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 10-14-57. Consent—claimed by Fairmont Foods Co., Inc., Buffalo, N. Y., and reworked.



**24695. Butter.** (F.D.C. No. 40795. S. No. 41-251 M.)

**QUANTITY:** 22 64-lb. boxes at Minneapolis, Minn.

**SHIPPED:** On 8-11-57 and 8-12-57, a quantity of decomposed cream was shipped by various shippers to Minneapolis, Minn., from North Dakota, South Dakota, Wisconsin, and Michigan.

**RESULTS OF INVESTIGATION:** Examination of the butter showed that it was made in part from decomposed cream which had been shipped as described above.

**LIBELED:** 8-22-57, Dist. Minn.

**CHARGE:** 402(a) (3)—prepared from a decomposed product.

**DISPOSITION:** 10-16-57. Consent—claimed by Lakeside Creamery Co., Minneapolis, Minn., and converted into butter oil.

**24696. Butter.** (F.D.C. No. 40815. S. No. 77-084 M.)

**QUANTITY:** 13 63-lb. boxes at Atlanta, Ga.

**SHIPPED:** 9-16-57, from Harrodsburg, Ky., by Cudahy Packing Co.

**LIBELED:** 9-26-57, N. Dist. Ga.

**CHARGE:** 402(b) (2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

**DISPOSITION:** 10-25-57. Consent—claimed by Cudahy Packing Co., Omaha, Nebr., and reworked.

**24697. Butter.** (F.D.C. No. 40816. S. No. 41-250 M.)

**QUANTITY:** 15 90-lb. boxes, 2 66-lb. boxes, 2 65-lb. boxes, and 55 64-lb. boxes at Sisseton, S. Dak.

**SHIPPED:** On 8-8-57, quantities of cream were shipped from various points in Minnesota, and North Dakota, to Sisseton, S. Dak.

**RESULTS OF INVESTIGATION:** The cream, which was shipped as described above, was used in the manufacture of the above-mentioned quantity of butter.

**LIBELED:** 8-29-57, Dist. S. Dak.

**CHARGE:** 402(a) (3)—the butter contained a decomposed substance while held for sale.

**DISPOSITION:** 10-30-57. Consent—claimed by Landsberger Creamery and Produce, Sisseton, S. Dak., and converted into butter oil.

### CHEESE

**24698. Blue cheese.** (F.D.C. No. 41672. S. No. 23-746 P.)

**QUANTITY:** 28 cases, 8 5-lb. wheels each, at Los Angeles, Calif.

**SHIPPED:** 3-27-58, from Hilbert, Wis., by Wispride Cheese Co. (Calumet Cheese Co.).

**LABEL IN PART:** (Case) "Blue Cheese." (Wheel) "Delico Blue Cheese Kolb Lena Cheese Co."

**LIBELED:** 4-21-58, S. Dist. Calif.

**CHARGE:** 402(a) (2)—contained, when shipped, an added poisonous and deleterious substance, mineral oil, which is unsafe within the meaning of 406(a) since it is a substance not required in the production of the article and can be avoided by good manufacturing practice; and 403(g) (1)—the article failed to conform to the definition and standard of identity for blue cheese since it

contained mineral oil, an ingredient not permitted by such definition and standard.

DISPOSITION: 5-13-58. Default—destruction.

24699. Swiss cheese. (F.D.C. No. 41668. S. No. 37-864 P.)

QUANTITY: 30 cases, 4 6-lb. loaves each, at St. Louis, Mo.

SHIPPED: 3-10-58, from Lena, Ill., by Kolb-Lena Cheese Co.

LABEL IN PART: (Loaf) "Aged Swiss Cheese Dutch Garden Brand Baby Swiss Pasteurized Cheese Product."

LIBELED: 4-11-58, E. Dist. Mo.

CHARGE: 402(a) (2)—contained, when shipped, an added poisonous and deleterious substance, mineral oil, which is unsafe within the meaning of 406(a) since it is a substance not required in the production of the article and can be avoided by good manufacturing practice; and 403(g) (1)—the article failed to conform to the definition and standard of identity for swiss cheese since it contained mineral oil, an ingredient not permitted by such definition and standard of identity.

DISPOSITION: 5-7-58. Default—destruction.

24700. Cheddar cheese. (F.D.C. No. 41603. S. No. 26-114 P.)

QUANTITY: 14 74-lb. boxes at Monroe, Wis.

SHIPPED: 1-31-58, from Stockton, Ill., by Plum River Cheese Co.

LABEL IN PART: "Cheddar Cheese Made From Pasteurized Milk Plant 5-592 Jan 23 1958 Vat 1, 5816 White Cheddars."

RESULTS OF INVESTIGATION: Examination showed that the article failed to meet the definition and standard of identity for cheddar cheese, since the milk used was not pasteurized and the cheese so made had not been cured at a temperature of 35° F. for a period of 60 days.

LIBELED: 3-3-58, W. Dist. Wis.

CHARGE: 403(g) (1)—the article failed to conform to the definition and standard of identity for cheddar cheese when shipped.

DISPOSITION: 4-15-58. Consent—claimed by Plum River Cheese Co. and brought into compliance with the law by curing the cheese for the prescribed period, and relabeling it.

24701. Monterey jack cheese. (F.D.C. No. 41452. S. No. 41-530 P.)

QUANTITY: 21 cases, each containing 2 12-lb. wheels of cheese at Orting, Wash.

SHIPPED: Prior to 2-27-58, from Portland, Oreg. This was a return shipment.

LABEL IN PART: (Wheel) "Whole Milk Pasteurized Seal Brand Monterey Jack Cheese Mazza Cheese Co. Orting, Wash."

LIBELED: 3-6-58, W. Dist. Wash.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity for monterey cheese since the article was made from milk which was not pasteurized and which contained more than 44 percent of moisture.

DISPOSITION: 4-16-58. Default—destruction.

24702. Colby cheese. (F.D.C. No. 41433. S. No. 33-765 P.)

QUANTITY: 14 horns containing 714 lbs. at Manheim, Pa.



SHIPPED: 1-18-58, from Brewster, Ohio, by Brewster Dairy Products.

LABEL IN PART: "1-11-1 Herman's Ohio Longhorn Rindless-Colby \* \* \* Pasteurized White."

LIBELED: 2-24-58, E. Dist. Pa.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity for colby cheese, since it contained more than 40 percent of moisture, the maximum permitted by the definition and standard.

DISPOSITION: 4-7-58. Default—delivered to a charitable institution.

### MILK

24703. Drip milk. (F.D.C. No. 40481. S. No. 64-624 M.)

INFORMATION FILED: 1-29-58, N. Dist. N. Y., against George M. Roberts, president of Conservation Creameries, Inc., Kingsley, Pa.

SHIPPED: 5-24-57, from New York to Pennsylvania.

LABEL IN PART: (Can) "DRIP A product containing milk solids, milk fat and water Property of Conservation Creameries, Inc., Kingsley, Penna."

RESULTS OF INVESTIGATION: The drip milk involved was the milk which was caught in the can washer drip pans, or drip savers, from producer cans (as delivered to the can washer after dumping), and the waste from washing down pipe lines and other equipment where milk collected.

CHARGE: 402(a) (3)—contained manure fragments, rodent hair fragments, and insect fragments when shipped.

PLEA: Guilty.

DISPOSITION: 3-4-58. \$100 fine.

### FISH AND SHELLFISH\*

24704. Frozen haddock fillets (2 seizure actions). (F.D.C. Nos. 40592, 40594. S. Nos. 76-113/8 M.)

QUANTITY: 875 10-lb. ctns. at Boston, Mass.

SHIPPED: The fillets were from fish caught by the fishing vessels "Wisconsin" and "Patty Jean" in the Atlantic Ocean outside the limits of the State of Massachusetts, on 8-12-57.

LIBELED: 8-23-57 (382 ctns.) and 8-26-57 (493 ctns.), Dist. Mass.

CHARGE: 402(a) (3)—contained decomposed fish when shipped.

DISPOSITION: 9-30-57. Consent—claimed by Eastern Seafood Co. and Coral Sea Fisheries, both of Boston, Mass. Segregated; 440 lbs. destroyed.

24705. Frozen ocean perch fillets (2 seizure actions). (F.D.C. Nos. 40672, 40701. S. Nos. 61-344 M, 76-583 M.)

QUANTITY: 22,662 lbs. in ctns. of 12 pkgs. each, at Portland, Maine.

SHIPPED: The fillets were made from fish caught in the waters of the Atlantic Ocean about 750 miles from Portland, Maine, by the fishing vessel "Quincy" and landed at Portland on 9-13-57.

LABEL IN PART: (Pkg.) "4 Fishermen Brand Frozen Ocean Perch Fillets \* \* \* Net Weight One Lb."

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\*See also No. 24719.

**LIBELED:** 9-30-57 and 10-11-57, Dist. Maine.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 11-25-57. Consent—claimed by Fulham Bros., Inc., Portland, Maine. Segregated; 2,305 lbs. destroyed.

**24706. Herring in cream sauce.** (F.D.C. No. 41280. S. No. 84-944 M.)

**QUANTITY:** 99 cases, 12 10-oz. jars each, and 75 cases, 24 8-oz. jars each, at Chicago, Ill.

**SHIPPED:** 10-2-57 and 10-18-57, from Detroit, Mich., by Marine Foods, Inc.

**LABEL IN PART:** (Jar) "Royal Snack Herring in Cream Sauce Imported Herring Fillets in Heavy Cream with Salt, Sugar, Onions, Vinegar, Spices."

**RESULTS OF INVESTIGATION:** Examination showed the article to contain benzoic acid or sodium benzoate, and a thickening agent in the nature of a vegetable gum.

**LIBELED:** 12-9-57, N. Dist. Ill.; amended libel, 12-19-57.

**CHARGE:** 403(i) (2)—when shipped, the label on the article failed to bear the common or usual name of each ingredient; and 403(k)—the article contained a chemical preservative, and failed to bear labeling stating that fact.

**DISPOSITION:** 12-20-57. Consent—claimed by Marine Foods, Inc., and relabeled.

**24707. Frozen squid, frozen tuna, and frozen whiting.** (F.D.C. No. 41272. S. Nos. 79-206/8 M.)

**QUANTITY:** 55 ctns., 10 5-lb. pkgs. each, of frozen squid, 7 boxes, 1,009 lbs. total, of frozen tuna, and 14 ctns., 1,540 lbs. total, of frozen whiting, at Monmouth Beach, N. J.

**SHIPPED:** Between 6-17-57 and 8-26-57, from New York, N. Y., by M. P. Levy Co.

**LIBELED:** 12-9-57, Dist. N. J.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 1-23-58. Default—destruction.

**24708. Fresh dressed whitefish.** (F.D.C. No. 41428. S. Nos. 11-489/90 P.)

**QUANTITY:** 45 60-lb. boxes at Chicago, Ill.

**SHIPPED:** 2-1-58, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

**LIBELED:** 2-14-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 2-27-58. Consent—claimed by Walter's Union Market, Inc., Chicago, Ill. The article was exported to the shipper in Canada.

**24709. Frozen halibut steaks.** (F.D.C. No. 41604. S. Nos. 15-272/3 P.)

**QUANTITY:** 509 ctns., 12 12-oz. pkgs. each, at Columbus, Ohio.

**SHIPPED:** Between 10-17-57 and 12-6-57, from Seattle, Wash., by San Juan Fishing & Packing Co.

**LABEL IN PART:** (Ctn.) "Frozen Fresh \* \* \* Halibut Steaks San Juan Fishing & Packing Co. Deep Sea Foods Seattle (on Puget Sound) Washington."

**RESULTS OF INVESTIGATION:** Examination showed the presence of decomposed fish. The article was slack filled, since the fish occupied an average of from 51.9 percent to 53.6 percent of the container.

**LIBELED:** 2-28-58, S. Dist. Ohio.



**CHARGE:** 402(a)(3)—contained decomposed fish; and 403(d)—the container of the article, when shipped, was so filled as to be misleading.

**DISPOSITION:** 3-19-58. Consent—claimed by San Juan Fishing & Packing Co. Segregated; of approximately 4,599 lbs. seized, 2,279 lbs. were destroyed.

**24710. Frozen butterfish.** (F.D.C. No. 41425. S. No. 30-125 P.)

**QUANTITY:** 18 ctns., 5 10-lb. pkgs. each, at Monmouth Beach, N. J.

**SHIPPED:** 9-3-55, from New York, N. Y., by Joseph H. Carter, Inc.

**LIBELED:** 2-19-58, Dist. N. J.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped.

**DISPOSITION:** 3-24-58. Default—destruction.

**24711. Fresh oysters.** (F.D.C. No. 41289. S. No. 87-109 M.)

**QUANTITY:** 2 barrels, each containing 115 12-oz. cans, at Charleston, W. Va.

**SHIPPED:** 11-23-57, from Irvington, Va.

**LIBELED:** 12-17-57, S. Dist. W. Va.

**CHARGE:** 402(b)(2)—water had been substituted in part for oysters while held for sale; and 402(b)(4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

**DISPOSITION:** 1-13-58. Default—destruction.

**24712. Canned oysters.** (F.D.C. No. 39544. S. No. 27-229 M.)

**QUANTITY:** 83 cases, 24 8-oz. cans each, at Montgomery, Ala.

**SHIPPED:** 7-23-56, from Biloxi, Miss., by Weems Bros. Seafood Co.

**LABEL IN PART:** (Can) "Gulfview Brand Oysters."

**LIBELED:** 8-23-56, M. Dist. Ala.

**CHARGE:** 402(a)(3)—contained decomposed oysters when shipped.

**DISPOSITION:** 9-24-56. Consent—claimed by Weems Bros. Seafood Co. Segregated; 11 cases and 4 cans destroyed.

**24713. Canned crabmeat.** (F.D.C. No. 39218. S. No. 16-855 M.)

**QUANTITY:** 50 1-lb. cans of backfin crabmeat and 30 1-lb. cans of regular crabmeat at Philadelphia, Pa.

**SHIPPED:** 6-19-56, from Onancock, Va., by Eastern Shore Seafood Co.

**LABEL IN PART:** (Can) "Pride of the Shore Crabmeat."

**LIBELED:** 6-20-56, E. Dist. Pa.

**CHARGE:** 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 6-21-56. Default—destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**24714. Canned peaches.** (F.D.C. No. 40852. S. No. 57-344 M.)

**QUANTITY:** 145 cases, 24 1-lb. 13-oz. cans each, at Augusta, Ga.

**SHIPPED:** 8-13-57, from Gilbert, S.C., by Walter P. Rawl & Sons.

**LABEL IN PART:** (Can) "Carolina Yellow Free Peaches Halves."

**LIBELED:** 10-22-57, S. Dist. Ga.

**CHARGE:** 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned peaches because of hardness of the peach halves, and the label of the article failed to bear, in the manner and form specified by regulations, a statement that the article fell below such standard.

**DISPOSITION:** 12-5-57. Consent—claimed by Walter P. Rawl & Sons, and relabeled.

**24715. Canned sour cherries, canned crushed pineapple, canned peas, and canned, condensed tomato soup.** (F.D.C. No. 41499. S. Nos. 35-544/6 P, 35-549 P.)

**QUANTITY:** 234 cases, 24 15-oz. cans each, of sour cherries, 130 cases, 48 8¾-oz. cans each, of crushed pineapple, 36 cases, 24 1-lb. cans each, of peas, and 29 cases, 48 10½-oz. cans each, of tomato soup at Philadelphia, Pa.

**SHIPPED:** 2-21-58 (sour cherries), from Rochester, N.Y.; between 9-15-55 and 1-13-56 (crushed pineapple), from Swedesboro, N. J.; 1-22-58 (peas), from Baltimore, Md.; and on an unknown date (tomato soup), from Cambridge, Md.

**RESULTS OF INVESTIGATION:** Examination showed that the articles were undergoing chemical decomposition.

**LIBELED:** 4-7-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—the articles contained a decomposed substance while held for sale.

**DISPOSITION:** 5-7-58. Default—destruction.

**24716. Canned pears.** (F.D.C. No. 41341. S. No. 84-273 M.)

**QUANTITY:** 248 cases, 24 cans each, at Billings, Mont.

**SHIPPED:** 9-24-57, from Yakima, Wash., by Yakima Packing Co.

**LABEL IN PART:** (Can) "Western Bronko Bartlett Pears Mixed Pieces Of Irregular Sizes and Shapes Net Contents One Lb. 13 Oz."

**RESULTS OF INVESTIGATION:** Examination showed that the article consisted of mixed pieces of pears of irregular sizes and shapes in heavy syrup.

**LIBELED:** 1-8-58, Dist. Mont.; amended libel, 3-4-58.

**CHARGE:** 403(a)—the vignette on the label of the article, when shipped, showing pear halves, was misleading as applied to an article consisting of pieces of pears of irregular sizes and shapes, and the label declaration "In Light Syrup" was misleading as applied to an article packed in heavy syrup.

**DISPOSITION:** 3-17-58. Consent—claimed by Ryan Wholesale Grocers, Billings, Mont., and relabeled.

#### DRIED FRUIT

**24717. Dried pears.** (F.D.C. No. 41657. S. No. 28-045 P.)

**QUANTITY:** 21 cases, 24 12-oz. pkgs. each, at San Antonio, Tex.

**SHIPPED:** 2-25-58, from Stockton, Calif., by Richmond Chase & Co.

**LABEL IN PART:** (Pkg.) "Heart's Delight Fancy Pears."

**LIBELED:** On or about 4-10-58, W. Dist. Tex.

**CHARGE:** 402(a)(3)—contained rodent hairs; and 402(a)(4)—prepared (dried) under insanitary conditions.

**DISPOSITION:** 5-12-58. Default—consumption by animals.



24718. Dried mixed fruit. (F.D.C. No. 41444. S. No. 39-383 P.)

QUANTITY: 497 cases, 18 11-oz. bags each, at Bronx, N.Y.

SHIPPED: 1-29-58, from San Jose, Calif., by Valley View Packing Co.

LIBELED: 3-11-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 5-15-58. Consent—claimed by Valley View Packing Co., San Jose, Calif. 2,510 lbs. of prunes in the article were reconditioned to comply with the law, and the remainder of the article was denatured for use as animal feed.

24719. Dried peaches, salt, codfish, shelled peanuts, dates, yellow cornmeal, flour, shelled black walnuts, shelled almonds, white cornmeal, and dried apricots. (F.D.C. No. 40317. S. Nos. 42-981/3 M, 42-988 M, 43-006/12 M, 43-014/20 M.)

QUANTITY: 3 30-lb. ctns. of dried peaches, 34 1-lb. ctns. of salt codfish, 165 lbs. of peanuts, 4 33-lb. cases of dates, 135 5-lb. bags of yellow cornmeal, 30 25-lb. bags, 10 100-lb. bags, and 12 5-lb. bags of flour, 3 30-lb. ctns. and 3 35-lb. cases of black walnuts, 3 24-lb. ctns. of almonds, 237 5-lb. bags and 90 2-lb. bags of white cornmeal, and 21 30-lb. cases of dried apricots, at Peoria, Ill., in possession of The Oakford Co.

SHIPPED: Between 1954 and 4-2-57, from New York, N.Y.; Lincoln, Nebr.; San Francisco, Calif.; Milwaukee, Wis.; Suffolk, Va.; Cedar Rapids, Iowa; Sacramento, Calif.; and Minneapolis, Minn.; and on unknown dates from Gravette, Ark., and St. Louis, Mo.

LIBELED: 6-12-57, S. Dist. Ill.

CHARGE: 402(a)(3)—contained insects (all except salt codfish), decomposed walnuts, and decomposed fish; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-10-57. Default—destruction.

#### MISCELLANEOUS FRUIT PRODUCTS

24720. Lemon juice and canned sweetpotatoes. (F.D.C. No. 41451. S. Nos. 6-328/9 P.)

QUANTITY: 10,000 plastic containers resembling real lemons and containing lemon juice, and 62 cases, 24 1-lb. 7-oz. cans each, of sweetpotatoes at Dorchester, Mass.

SHIPPED: The lemon juice was imported from Italy on 8-1-57, and the canned sweetpotatoes were shipped from Hightstown, N.J., on 6-1-56.

LIBELED: 3-3-58, Dist. Mass.

CHARGE: 402(a)(3)—while held for sale, the sweetpotatoes contained a decomposed substance and the lemon juice was unfit for food by reason of a musty decomposed odor, dark brown (almost opaque) color, with no odor of lemons, in ctns. that were badly water-damaged, dirty, and stained.

DISPOSITION: 4-7-58. Default—destruction.

## VEGETABLES AND VEGETABLE PRODUCTS\*

**24721. Lettuce.** (F.D.C. No. 38897. S. No. 37-340 M.)

QUANTITY: 642 crates, 24 heads each, at Maspeth, N.Y.

SHIPPED: 12-19-55, from El Centro, Calif., by the Great A & P Tea Co.

LABEL IN PART: (Crate) "Super Chief Brand Selected Vegetables \* \* \* B.  
E. Day Packing Co. Main Office Salinas, California."

LIBELED: 1-3-56, E. Dist. N.Y.

CHARGE: 402(a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, endrin, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on lettuce has been prescribed by regulations.

DISPOSITION: 1-13-56. Default—destruction.

**24722. Dried black-eyed peas.** (F.D.C. No. 40405. S. No. 77-368 M.)

QUANTITY: 150 bales, 24 1-lb. bags each, at Fort Valley, Ga.

SHIPPED: 5-10-57, from Mobile, Ala., by W. M. Meador & Co.

LABEL IN PART: (Bag) "Big Bill Fancy Triple Cleaned Blackeye Peas."

LIBELED: 8-6-57, M. Dist. Ga.

CHARGE: 402(a) (3)—contained insects and insect-damaged peas when shipped.

DISPOSITION: 10-3-57. Default—consumption by animals.

**24723. Canned peas and canned whole green beans.** (F.D.C. Nos. 40762, 40763.  
S. Nos. 55-386 M, 65-584 M.)

QUANTITY: 224 cases, 24 1-lb. 4-oz. cans each, of canned peas, and 32 cases,  
24 15½-oz. cans each, of canned whole green beans, at Zanesville, Ohio.

SHIPPED: 10 years prior to the filing of the libel (peas), from Indianapolis, Ind.,  
and 3-19-55 (green beans), from Alma, Ark.

LIBELED: 10-1-57, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-9-57. Default—destruction.

**24724. Canned cut okra.** (F.D.C. No. 40910. S. No. 57-346 M.)

QUANTITY: 59 cases, 24 14-oz. cans each, at Augusta, Ga.

SHIPPED: 8-13-57, from Gilbert, S.C., by Water P. Rawl & Sons.

LABEL IN PART: (Can) "Carolina Cut Okra."

RESULTS OF INVESTIGATION: Examination showed that the average drained weight of the product was 7.5 ounces, or 38.2 percent of the water capacity of the can. The article was a brown and gray, shapeless mass of over-mature okra.

LIBELED: 10-23-57, S. Dist. Ga.

CHARGE: 402(b) (2)—when shipped, water had been substituted in part for okra; and 403(a)—the vignette on the label showing bright green discrete pieces of succulent appearing okra was false and misleading as applied to a brown and gray, shapeless mass of over-mature okra.

DISPOSITION: 12-3-57. Consent—claimed by Walter P. Rawl & Sons, and re-labeled.

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\*See also Nos. 24656 and 24720.



**24725. Fresh spinach (9 seizure actions).** (F.D.C. Nos. 41243, 41248, 41249, 41298, 41307, 41308, 41309, 41310, 41318. S. Nos. 44-290/1 M, 79-179 M, 79-462 M, 82-130 M, 82-132 M, 85-286 M, 90-309/12 M.)

**QUANTITY:** 6,346 bushel baskets at New York, N.Y.; Jersey City, N.J.; Cleveland, Ohio; Chicago, Ill.; Philadelphia, Pa.; and Chelsea and Boston, Mass.

**SHIPPED:** Between 12-11-57 and 12-14-57, from Crystal City, Tex., by Warren Wagner Shed.

**LABEL IN PART:** "Spinach My Specialty T&G Warren Wagner, Crystal City, Texas," "Warren Wagner Grower—Shipper Crystal City, Texas," and "Warren Wagner Crystal City, Texas \* \* \* T&G Spinach."

**LIBELED:** Between 12-19-57 and 12-30-57, S. Dist. N.Y., Dist. N.J., N. Dist. Ohio, N. Dist. Ill., E. Dist. Pa., and Dist. Mass.

**CHARGE:** 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, DDT, which is unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

**DISPOSITION:** Between 12-23-57 and 1-27-58. Default—destruction.

**24726. Fresh spinach.** (F.D.C. No. 41247. S. No. 70-374 M.)

**QUANTITY:** 864 bushel baskets at Yeadon, Pa.

**SHIPPED:** 12-11-57, from Crystal City, Tex., by Warren Wagner.

**LIBELED:** 12-20-57, E. Dist. Pa.

**CHARGE:** 402(a)(2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, DDT, which is unsafe within the meaning of the law since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

**DISPOSITION:** 12-23-57. Default—destruction.

**24727. Dried fava beans, dried cranberry beans, dried chestnuts, and rice.** (F.D.C. No. 40941. S. Nos. 76-649/52 M.)

**QUANTITY:** 2 110-lb. bags of dried fava beans, 3 100-lb. bags of dried cranberry beans, 3 bags of dried chestnuts, and 2 100-lb. bags of rice at South Boston, Mass.

**SHIPPED:** Between 8-14-56 and 3-11-57, from San Miguel, Azores; San Francisco, Calif.; Naples, Italy; and Houston, Tex.

**LIBELED:** 11-6-57, Dist. Mass.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-23-57. Default—destruction.

**24728. Canned mushrooms.** (F.D.C. No. 39135. S. Nos. 36-369 M, 49-296 M.)

**QUANTITY:** 66 cases, 24 cans each, at Detroit, Mich.

**SHIPPED:** 12-31-55, from Hudson, N.Y., by K-B Products Corp.

**LABEL IN PART:** (Can) "Elf Brand Stems and Pieces Mushrooms Drained Wgt. 4 Oz. Net Avd."

**LIBELED:** 5-29-56, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped; and 403(g)(1)—the article failed to conform to the definition and standard of identity for canned mushrooms since the article had not been processed by heat so as to prevent spoilage.

**DISPOSITION:** 10-25-56. Default—destruction.

## TOMATO PRODUCTS\*

**24729. Tomato paste.** (F.D.C. Nos. 40884, 40885. S. Nos. 53-633/4 M.)

**QUANTITY:** 672 ctns., 6 No. 10 tins each, at Austin, Tex.

**SHIPPED:** 6-28-57 and 7-1-57, from Stockton, Calif., by Flotill Products, Inc.

**LIBELED:** 10-30-57, W. Dist. Tex.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** 1-9-58. Default—destruction.

**24730. Tomato puree.** (F.D.C. No. 40903. S. No. 83-294 M.)

**QUANTITY:** 229 cases, 48 cans each, at Cincinnati, Ohio.

**SHIPPED:** 9-21-57, from Elwood, Ind., by Orestes Canning Co., Inc.

**LABEL IN PART:** (Can) "Del Haven Tomato Puree, Net Weight 10½ Oz."

**LIBELED:** 11-14-57, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained vinegar fly eggs and maggots, and decomposed tomato material when shipped.

**DISPOSITION:** 1-24-58. Default—destruction.

**24731. Tomato paste.** (F.D.C. No. 41220. S. No. 66-628 P.)

**QUANTITY:** 437 cases, 96 6-oz. cans each, at Philadelphia, Pa.

**SHIPPED:** 11-6-57, from Stockton, Calif., by Tri-Valley Packing Association.

**LABEL IN PART:** (Can) "Garden Brand Tomato Paste."

**LIBELED:** 12-12-57, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained decomposed tomato material when shipped.

**DISPOSITION:** 12-31-57. Consent—claimed by Tri-Valley Packing Association. Segregated; 288 cases destroyed.

**24732. Tomato catsup.** (F.D.C. No. 40901. S. No. 84-726 M.)

**QUANTITY:** 501 cases, 6 cans each, at South Bend, Ind.

**SHIPPED:** 9-26-57 and 10-3-57, from Greenville, Ohio, by the Union Food Products Co.

**LABEL IN PART:** (Can) "Topsy Brand Contents 7 Lbs. Tomato Catsup."

**LIBELED:** 11-14-57, N. Dist. Ind.

**CHARGE:** 402(a)(3)—contained decomposed tomato material when shipped.

**DISPOSITION:** 12-23-57. Default—destruction.

**24733. Tomato catsup.** (F.D.C. No. 40955. S. No. 36-455 M.)

**QUANTITY:** 63 cases, 24 14-oz. btls. each, at Flint, Mich.

**SHIPPED:** 9-23-57, from Elwood, Ind., by Fettig Canning Corp.

**LABEL IN PART:** (Btl.) "Vine-Ripe \* \* \* Tomato Catsup."

**LIBELED:** 11-13-57, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained decomposed tomato material when shipped.

**DISPOSITION:** 12-23-57. Default—destruction.

**24734. Tomato juice.** (F.D.C. No. 41499. S. No. 35-543 P.)

**QUANTITY:** 20 cases, 24 No. 2 cans each, at Philadelphia, Pa.

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\*See also No. 24715.



**SHIPPED:** Late 1956 or early, 1957, from Swedesboro, N.J., by California Packing Corp.

**RESULTS OF INVESTIGATION:** Investigation revealed that the tomato juice was shipped unlabeled.

**LIBELED:** 4-7-58, E. Dist. Pa.

**CHARGE:** 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(i) (1)—the article failed to bear a label containing the common or usual name of the food.

**DISPOSITION:** 5-7-58. Default—destruction.

### NUTS\*

**24735. Shelled peanuts.** (F.D.C. No. 41292. S. No. 85-209 M.)

**QUANTITY:** 417 120-lb. bags at Chicago, Ill.

**SHIPPED:** 10-26-57, from Dawson, Ga., by Stevens Industries, Inc.

**LIBELED:** 12-16-57, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained insects and insect fragments when shipped.

**DISPOSITION:** 12-16-57. Consent—claimed by Stevens Industries, Inc. Of the 26 120-lb. bags actually seized, the claimant denatured 2,600 lbs. for use as seed and disposed of the remainder for use as hog feed.

**24736. Shelled peanuts.** (F.D.C. No. 41217. S. No. 17-952 M.)

**QUANTITY:** 166 120-lb. bags at Milwaukee, Wis.

**SHIPPED:** 11-18-57, from Camilla, Ga., by Camilla Cotton Oil Co.

**LIBELED:** 12-9-57, E. Dist. Wis.

**CHARGE:** 402(a) (3)—contained insects when shipped.

**DISPOSITION:** 1-30-58. Consent—claimed by Camilla Cotton Oil Co. Segregated; 720 lbs. found unfit.

**24737. Unshelled peanuts.** F.D.C. No. 41218. S. No. 80-261 M.)

**QUANTITY:** 39 95-lb. bags at Chariton, Iowa, in possession of Chariton Wholesale Grocery.

**SHIPPED:** 11-4-57, from Lincoln, Nebr.

**LIBELED:** 12-9-57, S. Dist. Iowa.

**CHARGE:** 402(a) (3)—contained rodent urine and rodent-gnawed peanuts; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-27-57. Consent—claimed by Chariton Wholesale Grocery. Segregated; 627 lbs. destroyed.

**24738. Pistachio nuts and unshelled almonds.** (F.D.C. No. 41337. S. No. 78-039 M.)

**QUANTITY:** 2 cases, 2 25-lb. tins each, of pistachio nuts and 868 lbs. of almonds at Omaha, Nebr.

**SHIPPED:** The almonds were shipped on 10-22-57, from Sacramento, Calif., by California Almond Growers Exchange and the pistachio nuts were shipped on 10-24-57, from New York, N.Y., by the American Pistachio Corp.

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\*See also Nos. 24673 and 24719.

**LIBELED:** 1-8-58, Dist. Nebr.

**CHARGE:** 402(a) (3)—contained insects when shipped.

**DISPOSITION:** 2-4-58. Default—consumption by animals.

**24739. Unshelled pecans.** (F.D.C. No. 41576. S. No. 20-063 P.)

**QUANTITY:** 34 cases, 24 1-lb. bags each, at Tulsa, Okla.

**SHIPPED:** 11-20-57, from Dallas, Tex., by Hines Produce Co.

**LABEL IN PART:** (Bag) "Triple HHH Brand \* \* \* Pecans."

**LIBELED:** 2-13-58, N. Dist. Okla.

**CHARGE:** 402(a) (3)—contained moldy nuts when shipped.

**DISPOSITION:** 3-28-58. Default—destruction.

**24740. Unshelled pecans.** (F.D.C. No. 41219. S. No. 73-124 M.)

**QUANTITY:** 167 cases, 24 bags each, at Denver, Colo.

**SHIPPED:** 11-1-57 and 11-9-57, from Dallas, Tex., by Hines Produce Co.

**LABEL IN PART:** (Bag) "Golden Goodee One Full Pound \* \* \* Extra Large Pecans."

**LIBELED:** 12-12-57, Dist. Colo.

**CHARGE:** 402(a) (3)—contained decomposed nuts when shipped.

**DISPOSITION:** 1-24-58. Consent—claimed by Hines Produce Co. and destroyed.

## OILS AND FATS

**24741. Vegetable oils.** (Inj. No. 312.)

**COMPLAINT FOR INJUNCTION FILED:** 5-14-57, S. Dist. Calif., against Strathmore Oils & Fats Co., Inc., Strathmore, Calif., Malaga Oil Products Division of Leghorn Trading Co., Inc., Lindsay, Calif., Georges Valabregue, president and general manager of Strathmore, and James B. Fowler, vice-president and general manager of the Lindsay plant of Malaga. Amended complaint filed 9-7-57.

**CHARGE:** The original complaint alleged that the defendants were engaged in the business of manufacturing, preparing, and distributing oils for edible and medicinal purposes; and, that the defendants had been and were, at the time of filing the complaint, introducing and causing to be introduced and delivering and causing to be delivered for introduction into interstate commerce, said oils which were adulterated within the meaning of 402(a) (3) and 402(a) (4). The complaint alleged that the oils were adulterated, also, under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

The original complaint alleged that the raw materials involved—namely, olive pomace, sesame seed, walnut oil stock, almond oil stock, and other by-product materials—were purchased from various food processors for use in the manufacture of the oils and were delivered to the Strathmore plant of defendant, Strathmore Oils & Fats Co., Inc.; that, upon receipt, the raw materials were stored under insanitary conditions at the Strathmore plant; that the contaminated raw materials were subsequently dried and put through a solvent extraction process to remove the oils in such raw materials; that the oils so extracted were placed in storage tanks at the Strathmore plant and held there until they were delivered to the Lindsay plant of the Malaga Oil Products Division; and, that upon delivery to the Lindsay plant the oils were



subjected to a refining process after which they were shipped in interstate commerce.

The original complaint further alleged that the insanitary conditions at the Strathmore plant resulted from the storage of the olive pomace on the ground beneath open sheds; the presence of a strong odor of decomposition and a heavy growth of green mold throughout the pile of olive pomace; trucks and tractors running over the stored olive pomace and workers walking over the pile; the shoveling of mud from the ground on which the pomace was stored, and the processing of such mud along with the pomace; the presence in the olive pomace of rodent and bird excrement, live and dead insects, filth from ground squirrels, cigarette butts, pieces of paper, trash, sticks, string, bones from garbage, black rotted material, and tractor oil and grease; the presence in the bags of sesame seed, stored at the rear of the shed storage area, of rodent holes, rodent and bird excreta, and rodent urine stains; the presence throughout the entire lot of bagged walnut stock of thousands of live and dead beetles and many rodent holes, rodent trails and other evidence of rodent infestation, and the presence of ground squirrels and birds in and around the lot of walnut oil stock; and, the storage of extracted oils in large tanks which had not been cleaned recently and which had a shed type roof open to birds, dust, and dirt. The complaint also alleged that the extraction process at Strathmore was such, that the oils extracted consisted of oil soluble portions of the raw materials and, that the refining process at Lindsay was such that the oil soluble portions extracted from the filth in the raw materials remained in the finished oils.

The amended complaint alleged that the olive pomace was purchased by Strathmore from olive pressors and consisted of the residue remaining after olive oil was pressed from olives; that the olive pomace was handled as garbage by the olive pressors and exposed to the elements, insects, birds, rodents, and squirrels; and, that the olive pomace was adulterated when it reached Strathmore by reason of such exposure.

**DISPOSITION:** On 5-14-57, the court issued a temporary restraining order, restraining the defendants from shipping or causing the shipment in interstate commerce and, more particularly, from delivering or causing the delivery to persons in California known to be engaged in the distribution of oils, in interstate commerce, which consisted in part of filthy substances or had been prepared or held under insanitary conditions.

On 10-29-57, the cause came on for a hearing on the motion for a preliminary injunction. Thereafter, on 11-6-57, the court orally denied the motion.

Subsequently, on 2-11-58, the Government filed a motion to dismiss the complaint, based upon the grounds that (1) there had been a material improvement in the operations of Strathmore Oils & Fats Co., Inc., especially in the handling of raw materials and extracted oils; (2) that the temporary restraining order had resulted in the adoption by the defendants of a sanitation program encompassing the suppliers of raw materials; and (3) that there appeared to be no further need for an injunction to prevent violation of the Act. The motion to dismiss was granted by the court on 2-12-58.

**24742. Vegetable oil.** (F.D.C. No. 41439. S. No. 6-401 P.)

**QUANTITY:** 306 1-gal. cans at Arlington, Mass., in possession of Supreme Olive Oil Co.

**LABEL IN PART:** "Half and Half Brand Oil \* \* \* Pure Vegetable Oil Flavored with Olive Oil."

**RESULTS OF INVESTIGATION:** The article was manufactured by Supreme Olive Oil Co. from components received in interstate commerce. Examination showed that it was a mixture of cottonseed oil, soybean oil, less than 4 percent olive oil, and was artificially flavored with olive oil flavor and artificially colored with food color.

**LIBELED:** 2-24-58, Dist. Mass.

**CHARGE:** 403(a)—while held for sale, the statements on the label of the article, namely, "Half and Half \* \* \* Oil" and "Pure Vegetable Oil Flavored with Olive Oil" were false and misleading; 403(c)—the article was an imitation of another food, and its label failed to bear the word "Imitation" and, immediately thereafter, the name of the food imitated; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient, since the label declaration "Pure Vegetable Oil" did not inform the consumer of the presence in the article of soybean and cottonseed oil.

**DISPOSITION:** 3-18-58. Consent—claimed by Supreme Olive Oil Co. and re-labeled in compliance with the law.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**24743. Ground ginger root.** (F.D.C. No. 41437. S. No. 6-521 P.)

**QUANTITY:** 50 150-lb. drums at Millis, Mass.

**SHIPPED:** 4-30-57, from New York, N.Y.

**LIBELED:** 2-24-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 3-31-58. Default—destruction.

**24744. Poppyseed.** (F.D.C. No. 41340. S. No. 60-376 M.)

**QUANTITY:** 37 bags, each containing 109 lbs., at Detroit, Mich., in possession of Bakco Products, Inc.

**SHIPPED:** 11-4-57, from Rotterdam, Holland.

**LIBELED:** 1-8-57, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-20-58. Default—destruction.

**24745. Garlic.** (F.D.C. No. 41383. S. No. 18-921 P.)

**QUANTITY:** 188 50-lb. bags at Denver, Colo., in possession of Western Food Co.

**SHIPPED:** 9-11-57, from Gilroy, Calif.

**LIBELED:** 1-24-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-21-58. Consent—claimed by Veltrie Sales, Inc., Denver, Colo. Segregated; 547 lbs. destroyed.

**24746. Chili powder.** (F.D.C. No. 40902. S. Nos. 89-902/3 M.)

**QUANTITY:** 8 cases, 48 ½-lb. bags each, and 6 cases, 24 1-lb. bags each, at El Paso, Tex.

**SHIPPED:** Between 8-16-57 and 10-1-57, from Mesilla Park, N. Mex.

**LIBELED:** 11-14-57, W. Dist. Tex.



CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-16-58. Default—destruction.

**24747. Food seasoning compound.** (F.D.C. No. 41221. S. No. 44-751 M.)

QUANTITY: 5 178-lb. drums at St. Louis, Mo.

SHIPPED: 9-6-57, from Kalamazoo, Mich., by Farmers Chemical Co.

RESULTS OF INVESTIGATION: Examination showed that the article was paprika containing 0.42 percent volatile oil indicating that the product was exhausted.

LIBELED: 12-9-57, E. Dist. Mo.

CHARGE: 402(b)(1)—a valuable constituent, volatile oil, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "Food Seasoning Compound" was false and misleading as applied to an article without food seasoning properties.

DISPOSITION: 1-8-58. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**24748. Vitamin elixir.** (F.D.C. No. 41466. S. No. 6-881 P.)

QUANTITY: 57 bottles, 12-fluid ounces each, at Springfield, Mass.

SHIPPED: 3-20-57, from Syracuse, N.Y.

LIBELED: 3-10-58, Dist. Mass.

CHARGE: 402(b)(1)—a valuable constituent, riboflavin ( $B_2$ ), had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "1 Fl. Oz. Supplies \* \* \* Riboflavin ( $B_2$ ) 4 mg." was false and misleading as applied to the article which contained less than the stated amount of riboflavin ( $B_2$ ).

DISPOSITION: 4-14-58. Default—destruction.

**24749. Hadacol.** (F.D.C. No. 41231. S. No. 65-048 M.)

QUANTITY: 1,218 8-oz. btls. at Cincinnati, Ohio.

SHIPPED: Prior to 1951, from Lafayette, La.

LIBELED: 12-13-57, S. Dist. Ohio.

CHARGE: 402(b)(1)—a valuable constituent, vitamin  $B_1$ , had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Contain the vitamins  $B_1$  \* \* \* 6 mg." was false and misleading as applied to an article which contained less than the stated amount of vitamin  $B_1$ .

DISPOSITION: 1-29-58. Default—destruction.

**24750. Vitamin tablets.** (F.D.C. No. 40337. S. No. 67-484 M.)

QUANTITY: 117 100-tablet btls. and 11 60-tablet btls. at Silver Spring, Md.

SHIPPED: 3-19-54, from Brooklyn, N.Y.

LIBELED: 6-26-57, Dist. Md.

CHARGE: 402(b)(1)—a valuable constituent, vitamin  $B_1$ , had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Each tablet contains:  $B_1$  \* \* \* 10 mg." was false and misleading.

The libel also alleged that certain drugs, namely, Elixir Albephen, Merhistin Expectorant, Elixir Merbutal, and Elixir Duophen were misbranded, and the Elixir Merbutal was adulterated under the provisions of the law applicable to drugs and devices, as reported in notices of judgment on drugs and devices, No. 5401.

DISPOSITION: 7-24-57. Consent—claimed by The Meredyth Co., Silver Spring, Md. The vitamin tablets were destroyed.

## INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 24651 TO 24750

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<sup>1</sup> (24741) Injunction issued.

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<sup>1</sup> (24741) Injunction issued.



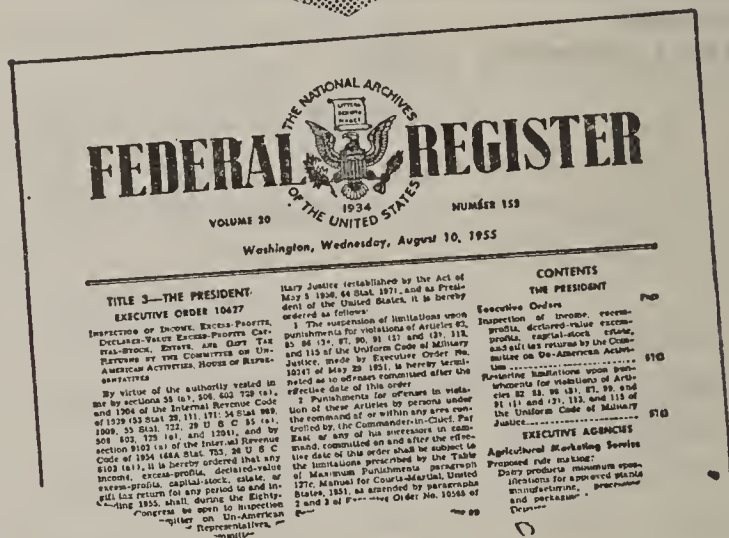
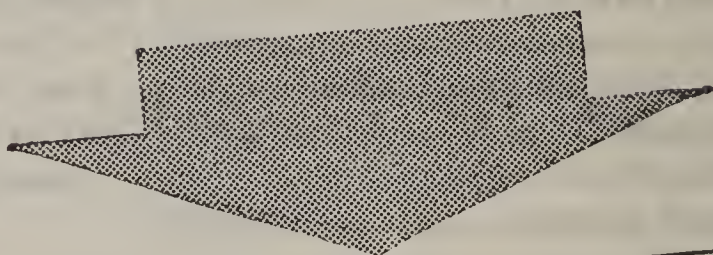
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<sup>1</sup> (24741) Injunction issued.

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U.S. Department of Health, Education, and Welfare

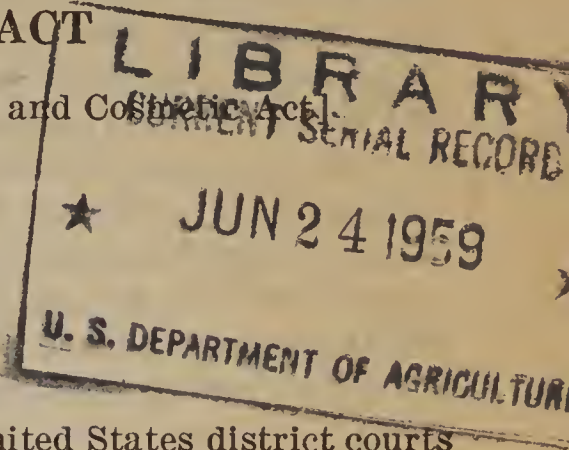
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24751-24850

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty; and (3) an injunction proceeding terminated by dismissal without prejudice. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 24751-24850**

*Adulteration*, Section 402(a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in one other case, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(a) (5), the article was in whole or in part the product of a diseased animal; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i) the article was not subject to the provisions of Section 403(g), and (1) its label failed to bear the common or usual name of the food; and (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

## **BEVERAGES AND BEVERAGE MATERIALS**

**24751. Grape wine.** (F.D.C. No. 41796. S. Nos. 23-006/8 P.)

**QUANTITY:** 22 ctns., 12  $\frac{4}{5}$ -qt. jugs each, and 5 ctns., 24  $\frac{4}{5}$ -pt. jugs each, at Wilmington, Calif.

**SHIPPED:** 4-26-58, from Lisbon, Portugal.

**RESULTS OF INVESTIGATION:** The article represented the damaged portion of a lot which was stored upright and upside down in a hatch of the "SS Loch Garth" which was flooded by water from a broken ship waterline, resulting in the bottom cartons being immersed in blackened, floor-washed floodwater



Examination showed a black, filthy, dried, watermark on the foil cap near the edge where the cap joined the neck of the jug. The caps were loose and could be easily slipped off. Some were heavily corroded on the inside due to slow leakage of wine, some were encrusted with white salts, and the edges of some were moldy.

**LIBELED:** 6-5-58, S. Dist. Calif.

**CHARGE:** 402(a) (3)—while in interstate commerce, the article was unfit for food by reason of having been contaminated with dirty hatch water; and 402(a) (4)—the article was held under insanitary conditions in dirty hatch water.

**DISPOSITION:** 6-25-58. Default—destruction.

**24752. Coffee.** (F.D.C. No. 40925. S. Nos. 69-251/2 M.)

**QUANTITY:** 5 140-lb. bags and 5 132-lb. bags at New York, N.Y.

**SHIPPED:** On an unknown date, from Venezuela and on 8-26-57, from British West Africa.

**LIBELED:** 12-2-57, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained insect-infested beans and moldy beans while held for sale.

**DISPOSITION:** 1-8-58. Default—destruction.

**24753. Coffee.** (F.D.C. No. 40973. S. Nos. 68-041/3 M.)

**QUANTITY:** 27 cases, 24 cans each, at Webb City, Mo.

**SHIPPED:** 8-27-57 and 10-8-57, from Kansas City, Kans., by E. C. Conroy Coffee Co.

**LABEL IN PART:** (Can) "Drip" ("Regular" or "Fine") Grind Conroy's Supreme Blend Coffee \* \* \* 1 Lb. Net."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 11-27-57, W. Dist. Mo.

**CHARGE:** 403(e) (2)—the label of the article failed to bear an accurate statement of the quantity of contents.

**DISPOSITION:** 1-10-58. Default—delivered to a charitable organization for its use, and not for sale.

**24754. Coffee beans.** (F.D.C. No. 40961. S. No. 69-255 M.)

**QUANTITY:** 972 130-lb. bags and 33 95-lb. bags at Freehold, N.J.

**SHIPPED:** Between 8-31-57 and 9-11-57, from Charleston, S.C., by C. G. Willis, Inc.

**RESULTS OF INVESTIGATION:** The article had been salvaged from a ship sunk off the coast of Charleston, S.C., on 8-11-57. The article was contaminated with sea water, and coffee brewed from the article had a disagreeable, foul, musty flavor.

**LIBELED:** 11-20-57, Dist. N.J.

**CHARGE:** 402(a) (3)—when shipped and while held for sale, the article was unfit for food by reason of having been submerged in sea water.

**DISPOSITION:** 1-28-58. Default—destruction.

**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS**

**24755. Frozen waffles.** (F.D.C. No. 41511. S. No. 3-868 P.)

**QUANTITY:** 248 cases, 24 5-oz. pkgs. each, at Baltimore, Md.

**SHIPPED:** 3-7-58, from Pitman, N.J., by Home Style Food, Inc.

**LABEL IN PART:** (Pkg.) "Home Style 6 Waffles (Quick Frozen)."

**LIBELED:** 4-8-58, Dist. Md.

**CHARGE:** 402(a)(3)—contained rodent hairs and feather barbules; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 5-19-58. Default—destruction.

**24756. Ryola Crisp rye.** (F.D.C. No. 41450. S. No. 26-514 P.)

**QUANTITY:** 28 cases, 12 11-oz. pkgs. each, at Worcester, Mass.

**SHIPPED:** 2-12-58, from Minneapolis, Minn., by Ryola Co.

**LIBELED:** 2-28-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained rodent hair fragments and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 4-14-58. Default—destruction.

**24757. Figbars.** (F.D.C. No. 41229. S. No. 80-000 M.)

**QUANTITY:** 215 cases, 12 pkgs. each, at Minneapolis, Minn.

**SHIPPED:** 11-5-57, from Cincinnati, Ohio, by Gilt Edge Bakery Products, Inc.

**LIBELED:** 12-16-57, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent hairs and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 2-5-58. Default—consumption by animals.

**CORNMEAL\***

**24758. Cornmeal.** (F.D.C. No. 41716. S. Nos. 16-662/3 P.)

**INFORMATION FILED:** 6-23-58., S. Dist. Ohio, against Colonial Stores, Inc., d/b/a Albers Super Markets, Division of Colonial Stores, Inc., Cincinnati, Ohio, Alvin A. Bissmeyer, general manager of the Division, and Jack Weber, warehouse superintendent.

**ALLEGED VIOLATION:** Between 10-24-57 and 1-8-58, while a quantity of cornmeal was being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building that was accessible to rodents and birds and to be exposed to contamination by rodents and birds, which acts resulted in the article being adulterated.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 6-23-58. Corporation—\$1,000 fine; Bissmeyer—\$1,000 fine; Weber—\$500 fine.

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\*See also No. 24761.



**24759. Cornmeal.** (F.D.C. No. 41642. S. No. 20-471 P.)

**QUANTITY:** 110 25-lb. bags at Poteau, Okla.

**SHIPPED:** 3-3-58, from St. Joseph, Mo.

**LIBELED:** 3-27-58, E. Dist. Okla.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-29-58. Default—destruction.

### FLOUR

**24760. Cottonseed flour.** (F.D.C. No. 41619. S. No. 39-224 P.)

**QUANTITY:** 116 100-lb. bags at San Francisco, Calif.

**SHIPPED:** 10-31-56, from Fort Worth, Tex.

**LIBELED:** 3-17-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 4-10-58. Consent—denatured for use as animal feed.

**24761. Flour and cornmeal.** (F.D.C. No. 41238. S. Nos. 84-031/2 M.)

**QUANTITY:** 9 50-lb. bags of flour and 147 25-lb. bags of cornmeal at Hot Springs, Ark., in possession of Kimbell Hot Springs Co.

**SHIPPED:** 10-22-57 and 11-1-57, from Denton, Tex., and Memphis, Tenn.

**LIBELED:** 12-19-57, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained (flour only) rodent urine; 402(a)(4)—both articles held under insanitary conditions.

**DISPOSITION:** 4-3-58. Default—consumption by animals.

**24762. Flour (2 seizure actions).** (F.D.C. No. 41333. S. Nos. 73-403 M, 73-405 M, 90-407/12 M, 90-416/7 M.)

**QUANTITY:** 198 25-lb. bags, 118 50-lb. bags, and 86 100-lb. bags at Trinidad, Colo., in possession of Joe Sawaya & Sons.

**SHIPPED:** Between 7-19-57 and 12-16-57, from Wichita, Kans., and Raton, N. Mex.

**LIBELED:** 1-14-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-2-58. Consent—claimed by Joe Sawaya & Sons. Segregated; 4,150 lbs. destroyed.

**24763. Flour.** (F.D.C. No. 41582. S. No. 18-593 P.)

**QUANTITY:** 45 100-lb. bags at Denver, Colo.

**SHIPPED:** 1-29-58, from Sheridan, Wyo., by Sheridan Flouring Mills, Inc.

**LIBELED:** 2-17-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent urine when shipped.

**DISPOSITION:** 4-1-58. Consent—claimed by Rust Sales Co., Denver, Colo. Segregated; 1,100 lbs. denatured for use as animal feed.

**24764. Flour.** (F.D.C. No. 41397. S. Nos. 18-585/6 P.)

**QUANTITY:** 9 100-lb. bags at Denver, Colo.

**SHIPPED:** Between 12-18-57 and 1-18-58, from Sheridan, Wyo.

**LIBELED:** 2-12-58, Dist. Colo.

CHARGE: 402(a) (3)—contained rodent urine while held for sale.

DISPOSITION: 4-1-58. Consent—claimed by Rust Sales Co., Denver, Colo. Segregated; of 25 100-lb. bags seized, 17 100-lb. bags were denatured so as to render the flour unsuitable for human use.

**24765. Enriched flour.** (F.D.C. No. 41421. S. No. 41-483 P.)

QUANTITY: 180 cases, 5 10-lb. bags each, at Seattle, Wash.

SHIPPED: 11-16-57, from Weiser, Idaho, by the Weiser Flour Mills.

LABEL IN PART: (Bag) "Picket All Purpose Enriched Flour \* \* \* Net Wt. 10 Lbs."

LIBELED: 2-14-58, W. Dist. Wash.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of thiamine, less than 1.2 milligrams of riboflavin, and less than 16 milligrams of niacin, which are the minimum amounts permitted by the definition and standard.

DISPOSITION: 3-17-58. Consent—claimed by the Weiser Flour Mills and reconditioned to add the proper amounts of enriching ingredients.

**24766. Flour.** (F.D.C. No. 41385. S. No. 19-283 P.)

QUANTITY: 34 100-lb. bags at Denver, Colo., in possession of Rust Sales Co.

SHIPPED: Between 12-11-57 and 1-2-58, from Sheridan, Wyo.

LIBELED: 1-28-58, Dist. Colo.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 3-13-58. Default—consumption by animals.

**24767. Flour.** (F.D.C. No. 41354. S. No. 19-361 P.)

QUANTITY: 18 100-lb. bags at Colorado Springs, Colo., in possession of the Robinson Grain Co.

SHIPPED: 11-4-57 and 11-7-57, from Twin Falls, Idaho.

LIBELED: 1-16-58, Dist. Colo.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 2-28-58. Default—consumption by animals.

**24768. Flour.** (F.D.C. No. 41579. S. No. 37-886 P.)

QUANTITY: 35 25-lb. bags at Anna, Ill.

SHIPPED: Between 10-8-57 and 11-30-57, from Abilene, Kans.

LIBELED: 2-13-58, E. Dist. Ill.

CHARGE: 402(a) (3)—contained rodent urine while held for sale.

DISPOSITION: 3-11-58. Default—destruction.

## MACARONI AND NOODLE PRODUCTS

**24769. Macaroni products.** (F.D.C. No. 41461. S. Nos. 3-385/6 P.)

QUANTITY: 110 20-lb. cases at Norfolk, Va.

SHIPPED: 1-14-58, from Cumberland, Md., by Cumberland Macaroni Mfg Co.



**LABEL IN PART:** "Alpine Eagle Brand \* \* \* Gragnano Style Macaroni Products" and "Alpine Eagle Brand \* \* \* Genova Style Macaroni Products."

**LIBELED:** 3-6-58, E. Dist. Va.

**CHARGE:** 402(a)(3)—contained insect fragments and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 4-9-58. Default—consumption by animals.

**24770. Macaroni products.** (F.D.C. No. 41481. S. Nos. 30-744/5 P.)

**QUANTITY:** 19 cases, 24 bags each, at New York, N.Y.

**SHIPPED:** Between 12-17-57 and 2-24-58, from Cleveland, Ohio, by the Pfaffman Co.

**LABEL IN PART:** (Bag) "Climax Wheat & Soy Macaroni Products Ingredients: \* \* \* Net Wt. 7 oz."

**RESULTS OF INVESTIGATION:** Examination showed the article was short weight.

**LIBELED:** 3-28-58, S. Dist. N.Y.

**CHARGE:** 403(e)(2)—the article failed to bear a label containing an accurate statement of quantity of contents when shipped.

**DISPOSITION:** 5-27-58. Default—delivered to a charitable institution for consumption, and not for resale.

## MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**24771. Rice and dried chili beans.** (F.D.C. No. 40460. S. Nos. 71-486 M, 79-784 M.)

**INFORMATION FILED:** 12-23-57, Dist. Minn., against Security Wholesale Grocery, Inc., St. Paul, Minn., and Maurice C. Manton, secretary and manager.

**ALLEGED VIOLATION:** Between 8-7-56 and 6-11-57, while quantities of rice and chili beans were being held for sale after shipment in interstate commerce, the defendants caused the articles to be placed, or held, in a building that was accessible to insects and rodents and to be exposed to contamination by insects and rodents, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—the rice contained rodent urine and the chili beans contained insects; and 402(a)(4)—the articles were held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 4-28-58. Corporation—\$1,000 fine; individual—\$500 fine, and probation for 1 year.

**24772. Rice.** (F.D.C. No. 41331. S. Nos. 73-739/40 M.)

**QUANTITY:** 26 100-lb. bags at Salt Lake City, Utah, in possession of Associated Food Stores, Inc.

**SHIPPED:** 4-3-57 and 10-4-57, from De Witt, Ark.

**LIBELED:** 1-14-58, Dist. Utah.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-25-58. Default—consumption by animals.

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\*See also No. 24822.

**24773. Rice, waffle mix, spicecake mix, coffeecake mix, chocolate cake mix, bran muffin mix, roll mix, and gingerbread mix.** (F.D.C. No. 41371. S. Nos. 6-603/4 P, 6-606/11 P.)

**QUANTITY:** 12 100-lb. bags of rice; 15 5-lb. bags of waffle mix; 10 5-lb. bags of spicecake mix; 5 5-lb. bags of coffeecake mix; 13 cases, 6 5-lb. pkgs. each, of chocolate cake mix; 12 cases, 6 5-lb. pkgs. each, of bran muffin mix; 9 5-lb. bags of roll mix; and 7 cases, 6 5-lb. bags each, of gingerbread mix, at Lawrence, Mass., in possession of Lawrence Grocery Co.

**SHIPPED:** Between 1955 and 10-31-57, from Stuttgart, Ark., and Buffalo, N.Y.

**LIBELED:** 1-20-58, Dist. Mass.

**CHARGE:** 402(a)(3)—rice contained rodent urine and the other products contained insects while held for sale; and 402(a)(4)—rice held under insanitary conditions.

**DISPOSITION:** 3-19-58. Default—destruction.

**24774. Rice.** (F.D.C. No. 41496. S. No. 1-779 P.)

**QUANTITY:** 96 10-lb. bags at Conway, S.C., in possession of Massey-Hite Co., Inc.

**SHIPPED:** 2-13-58, from Stuttgart, Ark.

**LIBELED:** 4-2-58, E. Dist. S.C.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-14-58. Default—destruction of the 7 10-lb. bags of rice actually seized.

**24775. Rice.** (F.D.C. No. 41623. S. No. 8-520 P.)

**QUANTITY:** 9 100-lb. bags at Erie, Pa.

**SHIPPED:** Between 12-24-57 and 2-10-58, from Buffalo, N.Y.

**LIBELED:** 3-11-58, W. Dist. Pa.

**CHARGE:** 402(a)(3)—contained rodent urine while held for sale.

**DISPOSITION:** 5-5-58. Default—destruction.

**24776. Wheat.** (F.D.C. No. 41471. S. No. 41-631 P.)

**QUANTITY:** 90,000 lbs. at Sand Track, Port of Longview, Wash.

**SHIPPED:** 2-5-58, from Craigmont, Idaho, by Clearwater Warehouse Co.

**LIBELED:** 3-13-58, W. Dist. Wash.

**CHARGE:** 402(a)(2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 3-18-58. Consent—claimed by Clearwater Warehouse Co. and reconditioned by cleaning, washing, and scouring.

**24777. Wheat.** (F.D.C. No. 41679. S. No. 25-481 P.)

**QUANTITY:** 119,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 4-4-58, from Randolph, S. Dak., by South Dakota Wheat Growers Association.

**LIBELED:** 4-24-58, Dist. Minn.



CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 4-29-58. Consent—claimed by South Dakota Wheat Growers Association. Segregated; 13,820 lbs. denatured.

24778. Wheat. (F.D.C. No. 41691. S. No. 26-728 P.)

QUANTITY: 102,060 lbs. at Minneapolis, Minn.

SHIPPED: 4-15-58, from Belfield, N. Dak., by Belfield Grain & Feed Co.

LIBELED: 5-5-58, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 5-8-58. Consent—claimed by Belfield Grain & Feed Co. Segregated; 4,610 lbs. denatured for use as animal feed.

24779. Wheat. (F.D.C. Nos. 41687, 41690. S. Nos. 19-469 P, 43-163 P.)

QUANTITY: 220,000 lbs. of wheat at Denver, Colo.

SHIPPED: 4-21-58 and 4-22-58, from Sidney, Nebr., by Denver Elevators.

LIBELED: 5-1-58, Dist. Colo.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 5-2-58. Consent—claimed by the Colorado Milling & Elevator Co., Denver, Colo. Segregated; 47,400 lbs. found unfit.

24780. Wheat. (F.D.C. No. 41650. S. No. 25-634 P.)

QUANTITY: 80,000 lbs. at Minneapolis, Minn.

SHIPPED: 3-26-58, from Hamar, N. Dak., by Hamar Cooperative Elevator Co.

LIBELED: 4-3-58, Dist. Minn., amended libel filed 4-21-58.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 5-2-58. Consent—claimed by Great Plains Supply Co., St. Paul, Minn. Segregated; 2,510 lbs. denatured.

24781. Wheat. (F.D.C. No. 41674. S. No. 26-025 P.)

QUANTITY: 92,400 lbs. at Minneapolis, Minn.

SHIPPED: 4-3-58, from Thunder Hawk, S. Dak., by Farmers Cooperative Grain Association.

LIBELED: 4-22-58, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 5-2-58. Consent—claimed by Great Plains Supply Co., St. Paul, Minn. Segregated; 5,410 lbs. denatured.

24782. Wheat. (F.D.C. No. 41684. S. No. 20-827 P.)

QUANTITY: 120,000 lbs. at Kansas City, Kans.

SHIPPED: 4-17-58, from Marion, Nebr., by Morrison-Gregg-Mitchell Grain Co.

LIBELED: 5-1-58, Dist. Kans.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 5-9-58. Consent—claimed by Morrison-Gregg-Mitchell Grain Co., Kansas City, Mo. Segregated: 8,370 lbs. destroyed.

24783. Wheat. (F.D.C. No. 41682. S. No. 25-520 P.)

QUANTITY: 104,600 lbs. at Minneapolis, Minn.

SHIPPED: 4-17-58, from Lidgerwood, N. Dak., by Farmers Union Elevator.

**LIBELED:** 5-1-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 5-14-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 5,360 lbs. denatured for use as animal feed.

**24784. Wheat.** (F.D.C. No. 41698. S. Nos. 25-343 P, 25-642 P.)

**QUANTITY:** 78,600 lbs. at Minneapolis, Minn.

**SHIPPED:** 4-24-58, from Florence, S. Dak., by Farmers Cooperative Elevator.

**LIBELED:** 5-9-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 5-16-58. Consent—claimed by Farmers Cooperative Elevator. Segregated; 7,150 lbs. denatured for use as animal feed.

**24785. Wheat.** (F.D.C. No. 41646. S. No. 20-746 P.)

**QUANTITY:** 120,000 lbs. at Kansas City, Mo.

**SHIPPED:** 3-20-58, from Leoti, Kans., by Collingwood Grain Co.

**LIBELED:** On or about 3-27-58, W. Dist. Mo.

**CHARGE:** 402(a)(3)—contained insect-damaged kernels when shipped.

**DISPOSITION:** 5-26-58. Consent—claimed by Collingwood Grain Co., and denatured for use as poultry feed.

**24786. Wheat.** (F.D.C. No. 41776. S. No. 19-181 P.)

**QUANTITY:** 92,520 lbs. at Denver, Colo.

**SHIPPED:** 5-10-58, from Carpenter, Wyo., by Dunbar Grain Co.

**LIBELED:** 5-20-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 5-27-58. Consent—claimed by Dunbar Grain Co., denatured, and ground for use as an additive to animal feed mixes.

**24787. Wheat.** (F.D.C. No. 41784. S. No. 25-526 P.)

**QUANTITY:** 100,800 lbs. at Council Bluffs, Iowa.

**SHIPPED:** 5-12-58, from Platte, S. Dak., by Platte Grain Co.

**LIBELED:** 5-21-58, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-4-58. Consent—claimed by Platte Grain Co. Segregated; 3,750 lbs. denatured for use as animal feed.

**24788. Wheat.** (F.D.C. No. 41707. S. No. 26-734 P.)

**QUANTITY:** 106,650 lbs. at Minneapolis, Minn.

**SHIPPED:** 5-5-58, from Zahl, N. Dak., by Zahl Farmers Union Elevator Co.

**LIBELED:** 5-20-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-4-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 3,000 lbs. denatured.

**24789. Wheat.** (F.D.C. No. 41786. S. No. 36-815 P.)

**QUANTITY:** 90,970 lbs. at Kansas City, Kans.



SHIPPED: 5-9-58, from Gideon, Mo., by Gideon-Anderson Lumber Co.

LIBELED: 5-26-58, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 6-11-58. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Segregated; 1,200 lbs. destroyed.

**24790. Wheat.** (F.D.C. No. 41811. S. No. 26-802 P.)

QUANTITY: 110,400 lbs. at St. Paul, Minn.

SHIPPED: 5-28-58, from Rosholt, S. Dak., by Farmers Cooperative Elevator Co.

LIBELED: 6-16-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 6-19-58. Consent—claimed by Farmers Cooperative Elevator Co. Segregated; 9,140 lbs. denatured for use as animal feed.

**24791. Wheat.** (F.D.C. No. 41792. S. No. 25-649 P.)

QUANTITY: 48,600 lbs. at Minneapolis, Minn.

SHIPPED: 5-21-58, from Huron, S. Dak., by Farmers Cooperative Association.

LIBELED: 6-2-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 6-19-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 4,060 lbs. denatured for use as animal feed.

**24792. Grits and rice.** (F.D.C. No. 41546. S. Nos. 2-693/6 P.)

QUANTITY: 4 100-lb. bags of grits, and 23 100-lb. bags and 4 25-lb. bags of rice at Jacksonville, Fla., in possession of National Grocery Co.

SHIPPED: Between 12-29-57 and 2-18-58, from Birmingham, Ala., and Stuttgart, Ark.

LIBELED: 5-5-58, S. Dist. Fla.

CHARGE: 402(a)(3)—contained (all lots, except 25-lb. bags of rice) rodent urine, and (25-lb. bags rice) insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-27-58. Default—destruction.

**24793. Alfalfa meal (4 seizure actions).** (F.D.C. Nos. 41257, 41258, 41259, 41338. S. Nos. 63-428 M, 72-039/41 M.)

QUANTITY: 805 50-lb. bags at Ligonier, Mentone, Montpelier, and Portland, Ind.

SHIPPED: Between 10-2-57 and 11-2-57, from East Toledo, Ohio, by Toledo Alfalfa Mills.

LABEL IN PART: "Alfalfa Meal Shamrock Brand" and "Vit-A-Green Supreme 17/27 Leafy Irish Brand Pure Dehydrated Alfalfa Meal."

LIBELED: 12-31-57 and 1-8-58, N. Dist. Ind.

CHARGE: 402(a)(2)—when shipped, the article contained an added deleterious substance, namely, mineral oil, which is unsafe within the meaning of 406; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient.

DISPOSITION: 2-15-58 and 3-28-58. Default—destruction.

**24794. Alfalfa meal.** (F.D.C. No. 41420. S. No. 422 P.)

**QUANTITY:** 1,150 50-lb. bags at Washington Grove, Md.

**SHIPPED:** 1-7-58, from Toledo, Ohio, by Cummings Schooler Co.

**LABEL IN PART:** "Vita-A-Green Supreme 17/27 Leafy Irish Brand Pure Dehydrated Alfalfa Meal 1% Animal Fat added Crude Protein \* \* \* 17.00% Crude Fat \* \* \* 1.75% Crude Fibre \* \* \* 27.00%."

**LIBELED:** 2-12-58, Dist. Md.

**CHARGE:** 402(b) (1)—a valuable constituent, namely protein, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "Crude Protein \* \* \* 17% \* \* \* Crude Fat \* \* \* 1.75%" was false and misleading as applied to the article which contained less than 17 percent crude protein and more than 1.75 percent crude fat.

**DISPOSITION:** 6-9-58. Default—destruction.

**24795. Malting barley.** (F.D.C. No. 41701. S. No. 25-737 P.)

**QUANTITY:** 103,630 lbs. at Minneapolis, Minn.

**SHIPPED:** 5-1-58, from Lidgerwood, N. Dak., by Farmers Union Grain Terminal Association.

**RESULTS OF INVESTIGATION:** Inspection of the Lidgerwood elevator of the Farmers Union Grain Terminal Association showed an active rodent infestation.

**LIBELED:** 5-15-58, Dist. Minn.

**CHARGE:** 402(a) (3)—contained rodent pellets and rodent urine when shipped; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 5-26-58. Consent—claimed by Great Plains Supply Co., St. Paul, Minn. Segregated; 4,750 lbs. converted for use as animal feed.

**24796. Unpopped popcorn and yelloweye beans.** (F.D.C. No. 41493. S. Nos. 6-819/20 P.)

**QUANTITY:** 9 100-lb. bags of popcorn, and 7 cases, 24 1-lb. ctns. each, of yelloweye beans at North Adams, Mass.

**SHIPPED:** Between 7-17-57 and 1-16-58, from Chicago, Ill., and Albany, N.Y.

**LIBELED:** 3-28-58, Dist. Mass.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 6-16-58. Default—destruction.

**24797. Unpopped popcorn.** (F.D.C. No. 41588. S. No. 15-867 P.)

**QUANTITY:** 471 50-lb. bags at Columbus, Ohio.

**SHIPPED:** 1-6-58, from Murray, Ky., by Kentucky Popcorn Co.

**LIBELED:** 2-21-58, S. Dist. Ohio.

**CHARGE:** 402(a) (3)—contained insects when shipped; 403(e) (1) and (2)—failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; and 403(i) (1)—failed to bear a label containing the name of the product.

**DISPOSITION:** 3-24-58. Consent—claimed by Kentucky Popcorn Co. Segregated; 940 lbs. used as animal feed.

**24798. Unpopped popcorn.** (F.D.C. No. 41399. S. No. 15-266 P.)

**QUANTITY:** 31,000 lbs. at Delaware, Ohio.



**SHIPPED:** 1-14-58, from Mongo, Ind., by Denver Preston (Preston Popcorn Co.).

**RESULTS OF INVESTIGATION:** 21,635 lbs. of popcorn were shipped as described and, upon receipt at Delaware, Ohio, were commingled with other popcorn of undetermined origin.

**LIBELED:** 2-13-58, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 3-28-58. Default—consumption by animals.

## CHOCOLATE PRODUCTS, CONFECTIONERY, AND SIRUP

### CHOCOLATE AND COCOA

**24799. Chocolate liquor.** (F.D.C. No. 39649. S. Nos. 58-946 M, 58-948 M.)

**QUANTITY:** 36,964 ctns., each containing 64 lbs., at Philadelphia, Pa.

**SHIPPED:** 5-30-56 and 6-26-56, from Puerto Plata, Dominican Republic.

**LIBELED:** 10-24-56, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-1-56. Consent—claimed by Chocolatera Industrial C. por A., Puerto Plata, Dominican Republic. Segregated; 66,339 lbs. destroyed.

**24800. Cocoa powder.** (F.D.C. No. 39970. S. Nos. 17-722 M, 38-876/7 M, 49-788 M.)

**INFORMATION FILED:** 6-13-57, S. Dist. N.Y., against Harlem Food Products, Inc., New York, N.Y., and David Littman, general manager.

**SHIPPED:** Between 8-12-54 and 5-15-56, from New York to Maryland, Connecticut, and Florida.

**LABEL IN PART:** (Bag) "Dutched Cocoa Powder."

**CHARGE:** 402(b)(2)—when shipped, ground cottonseed flour had been substituted in whole or in part for cocoa powder; and 403(g)(1)—the article failed to conform to the definition and standard of identity for cocoa powder.

**PLEA:** Guilty.

**DISPOSITION:** 9-25-57. Corporation—\$3,000 fine. Individual—jail sentence of 1 year suspended, probation for 3 years, and \$2,500 fine.

### CONFECTIONERY

**24801. Candy.** (F.D.C. No. 41138. S. Nos. 78-507 M, 78-509 M, 78-556 M.)

**INFORMATION FILED:** 2-3-58, W. Dist. Mo., against Commercial Candy Co., a corporation, Kansas City, Mo.

**ALLEGED VIOLATION:** Between 1-23-57 and 8-20-57, the defendants caused quantities of candy, while held for sale after shipment in interstate commerce, to be placed in a building accessible to insects and to be exposed to contamination by insects which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—contained insects, insect parts, and insect excreta; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 2-28-58. Corporation fined \$750, plus costs.

## SIRUP

**24802. Cane sirup.** (F.D.C. No. 41584. S. Nos. 28-064 P, 28-066 P.)

**QUANTITY:** 107 cases, 12 No. 5 cans each, and 22 cases, 6 No. 10 cans each, at Gilmer, Tex.

**SHIPPED:** 11-14-57 and 12-9-57, from West Monroe, La., by Old Mill Syrup Co.

**LABEL IN PART:** (Can). "Pure Cane Syrup \* \* \* Net Wt. 4½ Lbs. Liquid Contents 1 Qt. 12 Oz."

**RESULTS OF INVESTIGATION:** Examination showed that the article was a mixture of cane sirup and sugar sirup; that the average net volume of the No. 10 cans was 3 qts. 2.85 fluid oz., and the average net weight of such cans was 9 lbs. 2.37 oz.

**LIBELED:** 2-20-58, E. Dist. Tex.

**CHARGE:** 402(b) (2)—when shipped, sugar sirup had been substituted for cane sirup; and 403(e) (2)—the label on the No. 10 cans of the article failed to bear an accurate statement of the quantity of contents.

**DISPOSITION:** 3-12-58. Consent—claimed by B. D. Davis, Gilmer, Tex., and relabeled.

## EGGS

**24803. Frozen eggs.** (F.D.C. No. 41330. S. No. 68-939 M.)

**QUANTITY:** 600 30-lb. cans at Brooklyn, N.Y.

**SHIPPED:** 3-14-57, from Chicago, Ill., by Nathan Ehrlich.

**LABEL IN PART:** "Whole Eggs \* \* \* Packed by S. K. Produce Co., Ill. Lic No. 6."

**LIBELED:** 1-17-58, E. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained decomposed eggs when shipped.

**DISPOSITION:** 2-25-58. Consent—claimed by Nathan Ehrlich, Inc., New York, N.Y. Segregated; 14 cans denatured.

**24804. Frozen eggs.** (F.D.C. No. 41264. S. No. 68-148 M.)

**QUANTITY:** 50 30-lb. cans at Utica, N.Y.

**SHIPPED:** 12-10-57, from Chicago, Ill., by Armour & Co.

**LABEL IN PART:** "Frozen Whole Eggs \* \* \* Armour Cloverbloom."

**LIBELED:** 1-2-58, N. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained decomposed eggs when shipped.

**DISPOSITION:** 2-25-58. Default—destruction.

**24805. Frozen eggs.** (F.D.C. No. 40660. S. No. 69-246 M.)

**QUANTITY:** 199 30-lb. cans at Brooklyn, N.Y.

**SHIPPED:** 8-19-57, from Elizabeth, N.J.

**LABEL IN PART:** "Whole Eggs Packed For Quality Egg Co."

**LIBELED:** 10-2-57, E. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained insects; and 402(a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 2-11-58. Consent—claimed by Quality Egg Co., New York, N.Y., and denatured.



24806. Frozen eggs. (F.D.C. No. 41624. S. Nos. 39-030 P, 39-350 P.)

QUANTITY: 175 30-lb. cans at San Francisco, Calif.

SHIPPED: 12-3-57, from Portland, Oreg., by Stiner Egg Brokerage.

LABEL IN PART: "Whole Eggs \* \* \* Oregon Egg & Poultry Co., Portland, Oregon."

LIBELED: 3-17-58, N. Dist. Calif.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 4-1-58. Consent—claimed by Oregon Egg & Poultry Co. Segregated; 18 cans destroyed.

24807. Frozen eggs. (F.D.C. No. 41357. S. No. 79-215 M.)

QUANTITY: 763 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 3-9-57, from Laurens, Iowa, by M. & J. R. Hakes.

LIBELED: 1-17-58, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 2-25-58. Consent—claimed by Nathan Ehrlich, Inc., New York, N.Y. Segregated; 1,290 lbs. denatured.

## FISH AND SHELLFISH

24808. Frozen whiting (2 seizure actions). (F.D.C. No. 41649. S. Nos. 19-410/11 P, 19-413 P.)

QUANTITY: 58 ctns., 5 10-lb. boxes each, at Denver, Colo.

SHIPPED: 3-7-58 and 3-12-58, from Gloucester, Mass., by Booth Fisheries Corp.

LABEL IN PART: (Sticker in box) "B-B&W Quick Frozen H & D Whiting to be weighed at time of sale."

LIBELED: 4-7-58, Dist. Colo.

CHARGE: 402(a) (3)—contained decomposed fish when shipped.

DISPOSITION: 5-13-58. Default—used as fertilizer.

24809. Frozen squid. (F.D.C. No. 41536. S. No. 31-485 P.)

QUANTITY: 1,074 lbs. at Monmouth Beach, N.J.

SHIPPED: Between 6-1-56 and 6-4-56, from New York, N.Y.

LIBELED: 4-30-58, Dist. N.J.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 6-3-58. Default—destruction.

24810. Frozen shrimp. (F.D.C. No. 41536. S. No. 31-481 P.)

QUANTITY: 32 48-pkg. cases at Monmouth Beach, N.J.

SHIPPED: 6-8-55, from Golden Meadow, La., by Eddie Martin.

LABEL IN PART: (Case) "Shrimp \* \* \* 48-12 Oz. Small Colonial Brand Frozen Fresh Shrimp Distributed by Colonial Cannery, Inc., Independence, La."; (pkg.) "One Pound Net Weight Leeville Brand Fresh Frozen Headless Shrimp Permit No. La. 220 Distributed by Eddie Martin Seafoods."

LIBELED: 4-30-58, Dist. N.J.

CHARGE: 402(b) (2)—when shipped, shrimp heads, fish, crabs, and squid had been substituted in part for headless shrimp; 403(a)—the label statement

"Headless Shrimp" was false and misleading; and 403(e) (2)—the label statement "One Pound Net Weight" was inaccurate (the article was short weight).

DISPOSITION: 6-3-58. Default—destruction.

24811. Anchovies and antipasto. (F.D.C. No. 41288. S. Nos. 62-624/28 M.)

QUANTITY: 1,212 boxes, 12 jars each, of anchovies and 580 boxes, 12 jars each, of antipasto at New York, N.Y.

SHIPPED: Between 1-4-57 and 5-13-57, from Yugoslavia by the American Roland Co.

LABEL IN PART: (Jar covers) "Antipasto Roland Brand Packed in Izola, Yugoslavia Composed of: Tunny Fish \* \* \* Net Weight 2¾ ozs. \* \* \* Product of Yugoslavia" and "Filets of Anchovies in Pure Olive Oil Rolled with capers & pimentos & flat. Salt added. Roland \* \* \* Packed in Izola, Yugoslavia \* \* \* 3⅛ Oz."

LIBELED: 1-14-58, S. Dist. N.Y.

CHARGE: Anchovies, 402(b) (2)—red peppers had been substituted for pimentos when shipped; and 403(a)—the label statement "Filets of Anchovies \* \* \* Rolled with capers & pimentos" was false and misleading as applied to the article containing red pepper skins instead of pimentos.

Antipasto, 402(b) (2)—bonito fish had been substituted for tuna fish when shipped; and 403(a)—the label statement "Antipasto \* \* \* composed of: Tunny fish" was false and misleading as applied to the article which contained bonito fish instead of tuna fish.

DISPOSITION: 4-9-58. Consent—claimed by Bruno Scheidt, Inc., New York, N.Y., and relabeled.

24812. Oysters. (Inj. No. 307.)

COMPLAINT FOR INJUNCTION FILED: 2-6-57, Dist. Md., against Bay Food Products Co., Inc., Baltimore, Md., to enjoin the interstate shipment of adulterated oysters.

CHARGE: The complaint alleged that the defendant was engaged in the business of selling and distributing raw shucked oysters in cans; and, that the defendant had been introducing and delivering for introduction into interstate commerce, oysters which were adulterated within the meaning of 402(b) (2) in that water had been substituted in part for oysters, and 402(b) (4) in that water had been added, mixed, and packed with the oysters so as to increase their bulk and reduce their quality.

The complaint alleged also that the articles of food, as shipped by the defendant, purported to be and were represented as shucked oysters, for which definitions and standards of identity have been prescribed by regulations; that the standards provide, among other things, that oysters shall be shucked, washed, and drained, prior to packing, in such a manner that not over 5 percent of drained liquid will be found in the oysters 15 minutes after packing; that extensive experimental packs of oysters established, when packed in conformity with the standards, that oysters will not exceed the 5 percent limit of drained liquid; that specific shipping experiments show that legally packed oysters do not subsequently release liquid, and, that there will be no increase in the drained liquid content of the cans of oysters with the passage of time after packing; that samples collected from interstate shipments made by the defendant, upon analysis, disclosed the presence of amounts of liquid greatly in excess of 5 percent; and, that such analytical findings established that the



oysters were adulterated by (1) excessive soaking of the oysters in fresh water to the extent that the oysters absorbed a large quantity of it, (2) the addition of water to the cans of oysters at the time of packing, (3) the inadequate draining of the oysters after washing so that a significant proportion of the washwater was retained and packed with the oysters, or (4) a combination of the above-mentioned factors.

The complaint alleged further that, since the time the defendant commenced business in 1951, the Food and Drug Administration had examined 44 interstate shipments of the firm's oysters; that 24 of these shipments (54 percent) contained excess drained liquid, as high as 33.7 percent; that 5 of the 24 lots were seized because of the presence of added water; and, that none of the seizures had been contested.

It was alleged also that the defendant corporation was well aware that its activities resulted in violations of the law; that, in addition to the warnings received as a result of the seizure proceedings, repeated warnings had been given to the management during factory inspections, as well as at administrative hearings; and, that, notwithstanding such warnings, the defendant would continue to introduce and cause to be introduced and deliver and cause to be delivered for introduction into interstate commerce, raw shucked oysters adulterated as aforesaid.

**DISPOSITION:** The Government filed a motion for preliminary injunction, and an answer to the complaint for injunction was filed by the defendant.

On 6-27-58, the parties stipulated to dismissal of the complaint without prejudice in order that the Food and Drug Administration might conduct additional investigational studies to collect further scientific evidence to clarify the standard for raw shucked oysters.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**24813. Canned cherries.** (F.D.C. No. 41533. S. No. 35-444 P.)

**QUANTITY:** 363 cases, 24 15-oz. cans each, at Philadelphia, Pa.

**SHIPPED:** 2-21-58, from Rochester, N.Y.

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing chemical decomposition.

**LIBELED:** 4-30-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 5-28-58. Default—destruction.

**24814. Canned cherries and canned tomatoes.** (F.D.C. No. 41509. S. Nos. 34-551 P, 35-553 P.)

**QUANTITY:** 113 cases, 24 15-oz. cans each, of cherries and 57 cases, 48 10-oz. cans each, of tomatoes at Philadelphia, Pa.

**SHIPPED:** 2-20-58 (cherries), from Rochester, N.Y., and, on an unknown date (tomatoes), from Federalsburg, Md.

**LIBELED:** 4-10-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 5-5-58. Default—destruction.

**DRIED FRUIT\***

**24815. Pitted dates.** (F.D.C. No. 41647. S. No. 39-234 P.)

**QUANTITY:** 85 50-lb. ctns. at San Francisco, Calif.

**SHIPPED:** 6-26-56, from New York, N.Y.

**LIBELED:** 4-3-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects, insect webbing, and insect excreta while held for sale.

**DISPOSITION:** 4-22-58. Default—destruction.

**24816. Dried apricots.** (F.D.C. No. 41703. S. No. 38-958 P.)

**QUANTITY:** 58 cases, 24 10-oz. ctns. each, at Youngstown, Ohio.

**SHIPPED:** 4-21-58, from Alameda, Calif., by the Great A & P Tea Co.

**LABEL IN PART:** (Ctn.) "Sunsweet \* \* \* Apricots."

**LIBELED:** 5-13-58, N. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 6-9-58. Default—destruction.

**MISCELLANEOUS FRUIT PRODUCT**

**24817. Canned orange juice.** (F.D.C. No. 41348. S. No. 82-340 M.)

**QUANTITY:** 53½ cases, each full case containing 6 6½-lb. cans, at New Orleans, La.

**SHIPPED:** 11-22-57, from Eustis, Fla., by Florida Cannery, Inc.

**LABEL IN PART:** (Case and can) "Pure Tree Ripened Orange Juice."

**LIBELED:** 1-9-58, E. Dist. La.

**CHARGE:** 402(a)(3)—contained insects, insect parts, and insect eggs; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 2-20-58. Default—destruction.

**VEGETABLES AND VEGETABLE PRODUCTS\*\***

**24818. Great Northern beans.** (F.D.C. No. 41438. S. No. 3-571 P.)

**QUANTITY:** 16 100-lb. bags at Henderson, N.C., in possession of Watkins Sydnor, Inc.

**SHIPPED:** 10-24-57, from North Kansas City, Mo.

**LIBELED:** 2-25-58, E. Dist. N. C.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-28-58. Default—destruction.

**24819. Canned cut green beans.** (F.D.C. No. 41441. S. No. 20-967 P.)

**QUANTITY:** 30 cases, 24 15½-oz. cans each, at Kansas City, Kans.

**SHIPPED:** 7-13-57, from Denton, Tex., by Whitson Food Products Co.

**LABEL IN PART:** (Can) "Short Cuts Whitson's Cut Green Stringless Beans."

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\*See also No. 24822.

\*\*See also Nos. 24771 and 24796.



**LIBELED:** 2-27-58, Dist. Kans.

**CHARGE:** 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned cut green beans because of excessive short pieces, excessive fibrous material, and excessive unstemmed units, and the label of the article failed to bear a statement that it fell below such standard.

**DISPOSITION:** 4-18-58. Default—delivered to a charitable institution.

**24820. Dried navy beans.** (F.D.C. No. 41681. S. No. 35-451 P.)

**QUANTITY:** 239 100-lb. bags at Milton, Pa., in possession of Chef Boy-Ar-Dee, Division of American Home Foods.

**SHIPPED:** 1-16-58, from Saginaw, Mich.

**LIBELED:** 4-28-58, M. Dist. Pa.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-21-58. Consent—claimed by American Home Products Corp., New York, N.Y. Segregated; 117 bags destroyed.

**24821. Soybeans.** (F.D.C. No. 41300. S. Nos. 74-787/8 M.)

**QUANTITY:** 75 100-lb. bags and 55 100-lb. bags at Seattle, Wash.

**SHIPPED:** 12-31-55 and 4-18-57, from Selma, N.C., and Blytheville, Ark.

**LIBELED:** 12-31-57, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insects and insect-damaged beans while held for sale.

**DISPOSITION:** 3-31-58. No claimant having appeared for the 75-bag lot, and the North Coast Importing Co., Seattle, Wash., having filed claim for the 55-bag lot and consented to a decree against such lot, judgment of condemnation was entered and the 75-bag lot was ordered destroyed and the 55-bag lot was released under bond for reconditioning. The reconditioning operations resulted in the segregation and destruction of 92 lbs. as unfit.

**24822. Dried black-eyed peas, dried lima beans, raisins, and unpopped popcorn.** (F.D.C. No. 40944. S. Nos. 44-377/8 M, 84-014/5 M, 84-017/8 M.)

**QUANTITY:** 68 bales, 12 2-lb. bags each, and 70 bales, 24 1-lb. bags each, of black-eyed peas; 4 bales, 12 2-lb. bags each, and 8 bales, 24 1-lb. bags each, of lima beans; 10 cases, 24 1-lb. bags each, of raisins; 8 cases, 12 2-lb. bags each, of white hullless popcorn; and 21 cases, 12 2-lb. bags each, of yellow popcorn, at Hope, Ark.

**SHIPPED:** Between 11-2-55 and 9-22-57, from Dallas, Tex., Fresno, Calif., and Watseka, Ill.

**LIBELED:** 11-7-57, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained insects and insect excreta while held for sale.

**DISPOSITION:** 1-9-58. Default—consumption by animals.

**24823. Canned onions.** (F.D.C. No. 41223. S. No. 65-615 M.)

**QUANTITY:** 79 cases, 24 cans each, at Cincinnati, Ohio.

**SHIPPED:** 1-28-57 and 3-4-57, from Andersonville, Ga.

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing chemical decomposition.

**LIBELED:** 12-9-57, S. Dist. Ohio; amended libel 2-10-58.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 3-28-58. Default—destruction.

**24824. Canned asparagus.** (F.D.C. No. 41630. S. No. 38-357 P.)

QUANTITY: 17 cases, 24 14½-oz. cans each, at Eudora, Ark.

SHIPPED: 5-7-57, from Hoopeston, Ill.

LIBELED: 3-17-58, E. Dist. Ark.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 4-15-58. Default—destruction.

**24825. Canned sweet red peppers.** (F.D.C. No. 41507. S. No. 30-904 P.)

QUANTITY: 40 cases, 12 1-qt. jars each, at Brooklyn, N.Y.

SHIPPED: 2-19-58, from Bridgeville, Del., by H. P. Cannon & Son, Inc.

LABEL IN PART: (Jar) "Marydel Brand Sweet Red Peppers."

LIBELED: 4-22-58, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects, insect parts, insect eggs, and rot when shipped.

DISPOSITION: 5-16-58. Default—destruction.

**24826. Sweet red peppers.** (F.D.C. No. 41482. S. No. 35-522 P.)

QUANTITY: 4 285-lb. barrels at Norristown, Pa.

SHIPPED: 2-12-58, from Bridgeville, Del., by H. P. Cannon & Son, Inc.

LABEL IN PART: "Sweet Red Bell Peppers in Brine \* \* \* Packed by Marydel Division H. P. Cannon & Son Inc., Marydel, Delaware."

LIBELED: 3-24-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect parts, and insect eggs when shipped.

DISPOSITION: 4-23-58. Default—destruction.

**24827. Canned pickled peppers.** (F.D.C. No. 41779. S. Nos. 23-621/2 P.)

QUANTITY: 50 cases, 24 15-oz. cans each, and 56 cases, 48 7½-oz. cans each, at Los Angeles, Calif.

SHIPPED: 2-12-58, from Apizaco, Tlax, Mexico, by La Malinche, S.A.

LABEL IN PART: (Can) "La Malinche Jalapenos en Escabeche \* \* \* Made in Mexico Green Pickled Jalapenos Peppers."

LIBELED: 5-21-58, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects and decomposed peppers when shipped.

DISPOSITION: 6-10-58. Default—destruction.

**24828. Spiced sweet relish.** (F.D.C. No. 41578. S. Nos. 20-264 P, 20-569 P, 20-787 P, 20-975 P.)

QUANTITY: 17 cases, 12 1-qt. jars each, at Topeka, Kans.; 272 1-qt. jars at Winfield, Kans.; 222 1-qt. jars at Larned, Kans.; and 216 1-qt. jars at Osawatomie, Kans.

SHIPPED: Between 10-18-57 and 10-25-57, from Sherman, Tex., by T. L. Brice Co.

LIBELED: 2-20-58, Dist. Kans.



CHARGE: 402(a)(2)—the article, when shipped, contained glass, an added deleterious substance, which is unsafe within the meaning of 406(a) since it is not required in the production of the article and can be avoided by good manufacturing processes.

DISPOSITION: 4-3-58. Default—destruction.

24829. Red pepper hulls. (F.D.C. No. 41489. S. No. 3-675 P.)

QUANTITY: 15 barrels, 350 lbs. each, at Baltimore, Md.

SHIPPED: Between 2-4-58 and 2-20-58, from Marydel, Del., by H. P. Cannon & Son, Inc.

LIBELED: 3-26-58, Dist. Md.

CHARGE: 402(a)(3)—contained insects, insect parts, insect eggs, and rot; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-24-58. Default—destruction.

### TOMATO PRODUCTS\*

24830. Tomato puree. (F.D.C. No. 41593. S. No. 15-062 P.)

QUANTITY: 361 cases, 48 cans each, at Nashville, Tenn.

SHIPPED: 10-26-57, from Elwood, Ind., by Orestes Canning Co., Inc.

LABEL IN PART: (Can) "Big Brother Tomato Puree Contents 10½ Oz."

LIBELED: 2-21-58, M. Dist. Tenn.

CHARGE: 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: 4-9-58. Consent—claimed by Orestes Canning Co., Inc. Segregated; 55 cases of the article, which were found below standard but fit for food, were delivered to charitable organizations.

24831. Tomato juice. (F.D.C. No. 41344. S. No. 83-995 M.)

QUANTITY: 1,082 cases, each containing 12 cans, at Collinsville, Ill.

SHIPPED: 9-27-57, from Galveston, Ind., by Orestes Canning Co., Inc.

LABEL IN PART: (Can) "Brooks Tomato Juice."

LIBELED: 1-9-58, S. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 4-1-58. Default—destruction.

24832. Tomato paste. (F.D.C. No. 41343. S. No. 67-909 M.)

QUANTITY: 60 6-lb. 15-oz. cans at Wichita, Kans.

SHIPPED: 5-19-56, from Clearfield, Utah.

LIBELED: 1-16-58, Dist. Kans.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 3-10-58. Default—destruction.

24833. Tomato catsup. (F.D.C. No. 40956. S. No. 36-456 M.)

QUANTITY: 97 cases, 24 14-oz. btls each, at Detroit, Mich.

SHIPPED: 9-23-57, from Elwood, Ind., by Fettig Canning Corp.

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\*See also No. 24814.

**LABEL IN PART:** (Btl.) "Vine-Ripe \* \* \* Tomato Catsup."

**LIBELED:** On or about 11-25-57, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained decomposed tomato material when shipped.

**DISPOSITION:** 1-24-58. Default—destruction.

**24834. Tomato catsup.** (F.D.C. No. 41601. S. No. 15-178P.)

**QUANTITY:** 285 cases, 24 14-oz. btls. each, at Youngstown, Ohio.

**SHIPPED:** 1-21-58, from Elwood, Ind., by Fettig Canning Corp.

**LABEL IN PART:** (Btl.) "Mary's Choice Tomato Catsup."

**LIBELED:** 2-26-58, N. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained decomposed tomato material when shipped.

**DISPOSITION:** 4-4-58. Default—destruction.

## NUTS

**24835. Unshelled almonds.** (F.D.C. No. 41241. S. No. 73-714 M.)

**QUANTITY:** 120 cases, 24 1-lb. bags each, at Denver, Colo.

**SHIPPED:** 9-27-57, from Sacramento, Calif., by California Almond Growers Exchange.

**LABEL IN PART:** (Case) "Almonds Blue Diamond Brand"; (bag) "California Softshell Almonds."

**LIBELED:** 12-20-57, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insects, insect-infested nuts, and decomposed nuts when shipped.

**DISPOSITION:** 1-13-58. Consent—claimed by California Almond Growers Exchange. The almonds were shelled and examined, resulting in the destruction of 74 lbs. of nut meats and 1,573 lbs. of shells.

**24836. Unshelled pecans.** (F.D.C. No. 41227. S. No. 82-339 M.)

**QUANTITY:** 76 crates, 36 1-lb. bags each, at New Orleans, La.

**SHIPPED:** Between 11-14-57 and 11-20-57, from Picayune and Natchez, Miss.

**RESULTS OF INVESTIGATION:** The above-mentioned shipment consisted of pecans in bulk which, upon receipt at New Orleans, were repackaged and labeled by the consignee.

**LIBELED:** 12-12-57, E. Dist. La.

**CHARGE:** 402(a)(3)—contained moldy, rancid, and shriveled nuts, and empty shells while held for sale.

**DISPOSITION:** 1-17-58. Default—destruction.

**24837. Unshelled brazil nuts.** (F.D.C. No. 41222. S. Nos. 82-690/1 M.)

**QUANTITY:** 15 25-lb. bags and 13 100-lb. bags at Cincinnati, Ohio.

**SHIPPED:** Between 10-25-57 and 11-8-57, from New York, N.Y., by William A. Camp Co., Inc.

**LABEL IN PART:** "American Beauty \* \* \* Brazil Nuts" and "Tropical Brand American Beauty \* \* \* Brazil Nuts."

**LIBELED:** 12-9-57, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained decomposed nuts when shipped.

**DISPOSITION:** 1-29-58. Default—consumption by animals.



**24838. Shelled walnuts.** (F.D.C. No. 41591. S. Nos. 41-122/3 P.)

QUANTITY: 123 25-lb. ctns. and 49 ctns., 24 bags each, at Boise, Idaho.

SHIPPED: 12-4-57 and 12-6-57, from Santa Clara, Calif., by Rosenberg Bros. & Co., Inc.

LABEL IN PART: (Ctn.) "Standard Amber Halves & Pieces California Shelled Walnuts"; (bags) "Orchard Run Walnut Meats \* \* \*  $\frac{7}{8}$  Pounds."

LIBELED: 2-21-58, Dist. Idaho.

CHARGE: 402(a)(3)—contained insects, insect excreta, webbing, and insect-damaged nuts.

DISPOSITION: 4-9-58. Consent—claimed by Rosenberg Bros. & Co. Inc., San Francisco, Calif. Segregated; 880 lbs. converted to inedible oil for use in paint.

**24839. Shelled walnuts.** (F.D.C. No. 41239. S. No. 73-120 M.)

QUANTITY: 4 30-lb. ctns. at Denver, Colo.

SHIPPED: 11-13-57, from Los Angeles, Calif., by Granton Nut Co.

LIBELED: 12-20-57, Dist. Colo.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 2-12-58. Default—destruction.

## MEAT, MEAT PRODUCTS, AND POULTRY

**24840. Frozen mutton.** (F.D.C. No. 40657. S. No. 78-344 M.)

QUANTITY: 225 110-lb. boxes at Oklahoma City, Okla.

SHIPPED: 8-23-57, from Luling, Tex., by Lu-Tex Packing Co., Inc.

LABEL IN PART: (Box end) "Blns Mutton"; (box side) "Texan Meat Company San Antonio, Tex"; (sticker) "Trimmings" and "Establishment 891 \* \* \* Lu-Tex Packing Co., Inc., Luling, Texas."

LIBELED: 9-24-57, W. Dist. Okla.

CHARGE: 402(a)(3)—contained decomposed mutton when shipped.

DISPOSITION: 10-24-57. Consent—claimed by Texan Meat Co., San Antonio, Tex. Segregated; 4,746 lbs. destroyed.

**24841. Rennet paste.** (F.D.C. No. 40862. S. No. 48-695 M.)

QUANTITY: 7 110-lb. cases at Kohlsville (West Bend), Wis.

SHIPPED: 12-6-56, from New York, N.Y.

LIBELED: 10-17-57, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent hairs while held for sale.

DISPOSITION: 11-18-57. Consent—claimed by Nick Bizzio, Oshkosh, Wis. The article was released to be marked "For Export" and returned to the original foreign shipper.

**24842. Rennet paste.** (F.D.C. No. 40551. S. No. 72-740 M.)

QUANTITY: 13 110-lb. kegs at Wrightstown, Wis.

SHIPPED: Between 10-19-56 and 1-2-57, from Duluth, Minn., by Di Santo & Co.

LABEL IN PART: "Belmonteus Rennet Paste Imported by Di Santo & Co., Duluth 2, Minn."

LIBELED: 8-7-57, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects, insect fragments, and rodent hairs when shipped.

DISPOSITION: 6-12-58. Default—destruction.

**24843. Chicken breasts.** (F.D.C. No. 38140. S. Nos. 11-869/70 M.)

INFORMATION FILED: 3-27-56, Dist. Del., against Harry Friedman and Samuel Kornblum, Wilmington, Del.

SHIPPED: 2-10-55, from Delaware to New Jersey.

LABEL IN PART: (Crate) "5/10 Breasts."

CHARGE: 402(a)(3)—contained fecal matter, crop material, and other extraneous matter when shipped; 402(a)(5)—contained diseased poultry.

PLEA: Guilty.

DISPOSITION: 4-17-57. Friedman—\$100 fine, and probation for 1 year. Kornblum—\$100 fine, and probation for 3 years.

**24844. Dressed poultry.** (F.D.C. No. 41474. S. Nos. 30-041/2 P.)

QUANTITY: 29 crates, 1,670 lbs. total, at the Bronx, N.Y.

SHIPPED: 3-14-57 and 12-24-57, from Frankford, Del.

LIBELED: 3-21-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed chickens while held for sale.

DISPOSITION: 5-27-58. Default—destruction.

**24845. Dressed turkeys.** (F.D.C. No. 41291. S. No. 62-641 M.)

QUANTITY: 3 crates, 218 lbs. total, at New York, N.Y.

SHIPPED: 11-23-57, from Herndon, Pa.

LIBELED: 1-21-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained fecal material and feathers, and torn and bruised birds while held for sale.

DISPOSITION: 2-19-58. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**24846. Extramal No. 2.** (F.D.C. No. 40435. S. Nos. 37-869 M, 43-640 M.)

INFORMATION FILED: 10-31-57, N. Dist. Ohio, against Marlo Products Co., a corporation, Cleveland, Ohio.

SHIPPED: Between 1-17-56 and 11-23-56, from Ohio to Pennsylvania and Missouri.

LABEL IN PART: (Ctn. and btl.) "Marlo Extramal No. 2 Malt Extract with Glycerinated extract of Red Bone Marrow Vitamins A, B1, D and Iron Each Fluid Ounce Contains: Vitamin A 3300 U.S.P. Units (From Fish Liver Oil) 1¼ Pounds Net Weight One Pint Marlo Products Company Cleveland, Ohio."

RESULTS OF INVESTIGATION: Analyses disclosed that the article was from 44 percent to 49 percent deficient in vitamin A. In addition, the vitamin A was not derived from fish liver oil; and, in the case of a portion, the article was 28 percent short in quantity of contents.

CHARGE: 402(b)(1)—when shipped, vitamin A had been in part omitted from the article; 403(a)—the statement on the label "Each Fluid Ounce Contains;



Vitamin A 3300 U.S.P. Units (From Fish Liver Oil)" was false and misleading; and 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

PLEA: Guilty.

DISPOSITION: 1-15-58. \$200 fine.

**24847. Vitamin tablets.** (F.D.C. No. 41617. S. No. 83-355 M.)

QUANTITY: 1 5,000-tablet drum at Toledo, Ohio.

SHIPPED: 1-18-56, from St. Louis, Mo.

LIBELED: 3-10-58, N. Dist. Ohio.

CHARGE: 402(b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement which represented that each 3 tablets contained "Vitamin D \* \* \* 8 USP" was false and misleading.

DISPOSITION: 4-23-58. Default—destruction.

**24848. Vitamin B Complex capsules.** (F.D.C. No. 41661. S. No. 8-303 P.)

QUANTITY: 1 bulk container, containing 2 2,500-capsule bags, 4 1,000-capsule btl., and 1 1,500-capsule btl. at Rochester, N.Y.

SHIPPED: 1-20-55, from Cleveland, Ohio.

LABEL IN PART: (Bag) "Vitamin B Complex Capsules \* \* \* Per Capsule: Vitamin B1 (Thiamine Chloride) 3 Mg."; (btl.) "Capsules \* \* \* Thiamine Chloride 3 Mgm."

RESULTS OF INVESTIGATION: The article was shipped in bulk and, upon arrival at Rochester, N.Y., a portion was repackaged by the consignee into bottles labeled as described above. Examination showed the article contained less than the declared amount of vitamin B<sub>1</sub>.

LIBELED: 4-10-58, W. Dist. N.Y.

CHARGE: 402(b) (1)—a valuable constituent, namely, vitamin B<sub>1</sub> had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Thiamine Chloride 3 Mg." was false and misleading.

DISPOSITION: 5-20-58. Default—destruction.

**24849. Hadacol.** (F.D.C. No. 41230. S. No. 65-614 M.)

QUANTITY: 1,002 8-oz. btl. at Marietta, Ohio.

SHIPPED: On an unknown date, from Lafayette, La.

LIBELED: 12-13-57, S. Dist. Ohio.

CHARGE: 402(b) (1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Contains the Vitamin B<sub>1</sub> \* \* \* 6 Mg." was false and misleading as applied to the article which contained less than the stated amount of vitamin B<sub>1</sub>.

DISPOSITION: 1-31-58. Default—destruction.

**24850. Choc-Ola chocolate drink.** (F.D.C. No. 41611. S. No. 15-482 P.)

QUANTITY: 479 cases, 35 6-oz. btl. each, at Reading, Ohio.

SHIPPED: 1-13-58, from Indianapolis, Ind., by Choc-Ola Bottlers, Inc.

LABEL IN PART: (Btl. cap) "Choc-Ola The Chocolate Flavored Vitamin Drink: with 315 Units Vitamin A 75 Units Vitamin D Added."

RESULTS OF INVESTIGATION: Examination showed that the article contained little or no vitamin A and vitamin D.

LIBELED: 3-4-58, S. Dist. Ohio.

CHARGE: 402(b)(1)—valuable constituents, vitamin A and vitamin D, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "Chocolate Flavored Vitamin Drink With 315 Units Vitamin A 75 Units Vitamin D Added" was false and misleading.

DISPOSITION: 3-10-58. Consent—claimed by Choc-Ola Bottlers, Inc. The contents of the bottles were destroyed, and the empty bottles were released to the claimant.

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<sup>1</sup> (24812) Injunction contested.

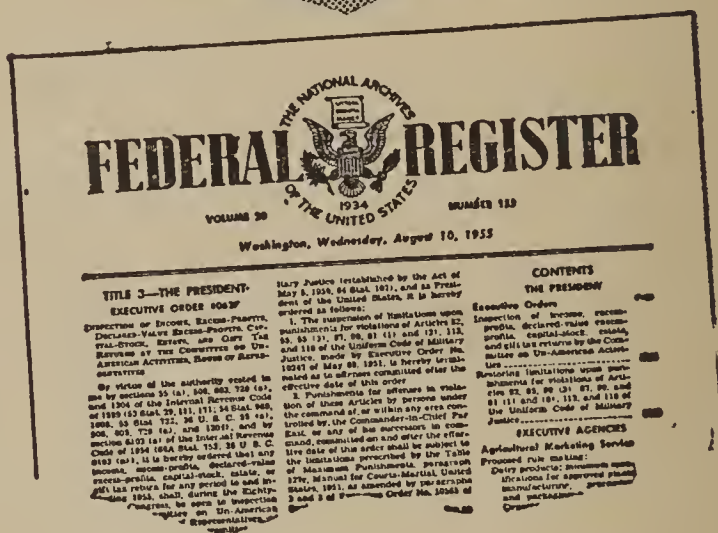
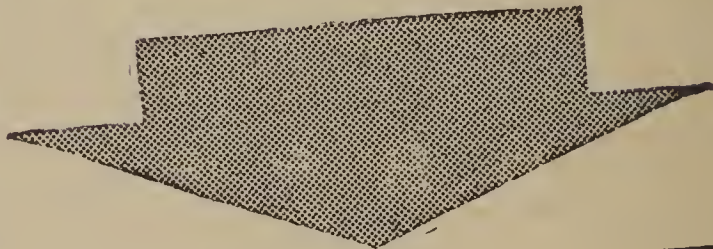
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U. S. DEPARTMENT OF AGRICULTURE

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24851-24950

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent and (2) criminal proceedings which were terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *June 16, 1959.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 24851-24950

*Adulteration*, Section 402(a) (1), the article contained an added deleterious substance which may have rendered it injurious to health; Section 402(a) (2), the article contained an added deleterious substance which was unsafe within the meaning of Section 406; Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to reduce its quality or strength or make it appear better or of greater value than it was; Section 402(c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations; Section 406(a), a deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(k), the article contained an artificial coloring or a chemical preservative, and it failed to bear labeling stating that fact.

## BEVERAGES AND BEVERAGE MATERIALS\*

24851. *Coffee*. (F.D.C. No. 41557. S. Nos. 2-625/6 P.)

QUANTITY: 62 cases, 26 1-lb. cans each, at Monroe, N.C.

SHIPPED: 4-9-58, from Columbia, S.C.

RESULTS OF INVESTIGATION: Investigation revealed that the article was part of a shipment which was submerged in water in North Carolina when the truck transporting the coffee was involved in an accident and ran into a lake.

LIBELED: 5-12-58, W. Dist. N.C.

CHARGE: 402(a) (3)—the article contained dirty lake water and was otherwise unfit for food by reason of having been accidentally submerged in lake water; and 402(a) (4)—held under insanitary conditions in the lake.

DISPOSITION: 6-23-58. Default—destruction.

24852. *Coffee*. (F.D.C. No. 41562. S. Nos. 2-627/8 P.)

QUANTITY: 20 cases, each containing 26 1-lb. cans, at Concord, N.C.

SHIPPED: 2-26-58 and 3-5-58, from Columbia, S.C.

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\*See also No. 24947.



**RESULTS OF INVESTIGATION:** Investigation revealed that the article was part of a shipment which was submerged in water in North Carolina when the truck transporting the coffee was involved in an accident and ran into a lake.

**LIBELED:** 5-15-58, M. Dist. N.C.

**CHARGE:** 402(a)(3)—while in interstate commerce, the article contained dirty lake water and was otherwise unfit for food by reason of having been accidentally submerged in lake water; and 402(a)(4)—held under insanitary conditions in the lake.

**DISPOSITION:** 6-20-58. Default—destruction.

**24853. Coffee.** (F.D.C. No. 41447. S. Nos. 29-904/5 P.)

**QUANTITY:** 51 bags, each containing a number of 3-oz. bags, a total of 398 lbs., and 18 bags, each containing a number of ½-lb. and 1-lb. bags, a total of 304 lbs., at Brooklyn, N.Y., in possession of Mitchell Coffee Co.

**SHIPPED:** A quantity of bulk coffee was shipped on 1-31-58, from Secaucus, N.J.

**LABEL IN PART:** (3-oz. bag) "Mitchell's Special Restaurant Coffee"; (½ and 1-lb. bags) "Net Weight Mitchell's Special Restaurant Coffee."

**RESULTS OF INVESTIGATION:** The article contained in the bags described above had been repacked from the above-mentioned shipment of bulk coffee and was labeled by the consignee.

Examination showed that the article contained added cereal and chicory and that the article in the 1-lb. bags was short weight.

**LIBELED:** 3-3-58, E. Dist. N.Y.

**CHARGE:** 402(b)(2)—cereal and chicory had been substituted in part for coffee while held for sale; 402(b)(4)—cereal and chicory had been added to the article and mixed and packed with it so as to reduce its quality and strength; 403(a)—the label statement "Coffee" was false and misleading; and 403(e)(2)—the label of the article failed to bear an accurate statement of the quantity of contents since the 3-oz. size bags failed to bear any statement of the quantity of contents and since the statement "1 Lb. Net Weight" on the label of the 1-lb. bags was not accurate.

**DISPOSITION:** 3-26-58. Consent—claimed by Mitchell Coffee Co. and repacked and relabeled.

**24854. Green coffee.** (F.D.C. No. 41585. S. No. 18-926 P.)

**QUANTITY:** 64 130-lb. bags at Denver, Colo., in possession of Spray Coffee & Spice Co.

**SHIPPED:** 7-5-57, from New Orleans, La.

**LIBELED:** 2-18-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-1-58. Consent—claimed by Spray Coffee & Spice Co. Segregated; 70 lbs. destroyed.

**24855. Coffee.** (F.D.C. No. 41665. S. Nos. 21-279/80 P.)

**QUANTITY:** 23 cases, 24 cans each, of regular coffee, and 38 cases, 24 cans each, of drip coffee, at St. Joseph, Mo.

**SHIPPED:** 2-7-58, from Kansas City, Kans., by E. C. Conroy Coffee Co.

**LABEL IN PART:** (Can) "Conroy's Supreme Blend Coffee—1 Lb. Net Weight—Regular Grind HG [or "Drip Grind AH"]."

**RESULTS OF INVESTIGATION:** Examination showed that the articles were short weight. The average shortage was found to be 5.1 percent for the regular coffee and 0.75 percent for the drip coffee.

**LIBELED:** 4-15-58, W. Dist. Mo.

**CHARGE:** 403(e) (2)—when shipped, the labels of the articles failed to bear an accurate statement of the quantity of contents.

**DISPOSITION:** 5-22-58. Consent—claimed by E. C. Conroy Coffee Co. and re-packed and relabeled.

**24856. Tea.** (F.D.C. No. 41665. S. No. 21-300 P.)

**QUANTITY:** 6 cases, 24 ctns. each, at St. Joseph, Mo.

**SHIPPED:** 8-7-57, from Kansas City, Kans., by E. C. Conroy Coffee Co.

**LABEL IN PART:** (Ctn.) "1/4 Lb. Net Conroy's Iced Tea Blend Orange Pekoe."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight. The average shortage was found to be 5.8 percent.

**LIBELED:** 4-15-58, W. Dist. Mo.

**CHARGE:** 403(e) (2)—the label of the article, when shipped, failed to bear an accurate statement of the quantity of contents.

**DISPOSITION:** 5-23-58. Default—delivered to a charitable institution for its use and not for sale.

**24857. Root beer concentrate.** (F.D.C. No. 41831. S. No. 42-893 P.)

**QUANTITY:** 30 cases, 4 1-gal. cans each, at Denver, Colo.

**SHIPPED:** 5-23-58, from Bonner Springs, Kans., by Richardson Corp.

**LABEL IN PART:** (Can) "Richardson Root Beer \* \* \* Ready to Use Syrup. \* \* \* Net Contents One Gallon Richardson Corporation, Rochester, N.Y."

**LIBELED:** 6-30-58, Dist. Colo.

**CHARGE:** 402(a) (3)—contained mold; and 402(a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 8-12-58. Default—destruction.

## CEREALS AND CEREAL PRODUCTS.

### BAKERY PRODUCTS

**24858. Various cakes.** (F.D.C. No. 40013. S. Nos. 25-600 M, 54-061 M.)

**INFORMATION FILED:** 12-3-57, W. Dist. Wash., against Golden Rule Bakery, a corporation, Seattle, Wash., and Maud Pemberton, president, and Ned N. Leedle, superintendent.

**SHIPPED:** 10-19-56, from Washington to Idaho.

**LABEL IN PART:** (Pkg.) "Polly Ann Pound Cake [or "Sponge Layers," "Golden Loaf Cake," or "Vanilla Frosted Gold Ranch Bar"] \* \* \* Distributed by P-A Cake Company \* \* \* South Seattle."

**CHARGE:** 402(a) (3)—contained insects and insect fragments; and 402(a) (4)—prepared and held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 9-9-58. Corporation—\$600 fine; individuals—\$200 fine each.



**24859. Pretzels.** (F.D.C. No. 41841. S. No. 35-193 P.)

QUANTITY: 38 cases, 24 1¾-oz. bags each, at Trenton, N.J.

SHIPPED: 4-15-58, from Scranton, Pa., by National Pretzel Co., Inc.

LIBELED: 5-27-58, Dist. N.J.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 7-11-58. Default—destruction.

**24860. Frozen waffles.** (F.D.C. No. 41534. S. No. 31-441 P.)

QUANTITY: 273 cases, 24 5-oz. pkgs. each, at New York, N.Y.

SHIPPED: 3-11-58, from Seabrook, N.J., by Cumberland Warehouse Corp., for Seabrook Farms Co.

RESULTS OF INVESTIGATION: Inspection of Home Style Foods, Inc., Pitman, N.J., the manufacturer of the waffles, showed insanitary conditions existed which would result in contamination of the article.

LIBELED: 5-6-58, S. Dist. N.Y.

CHARGE: 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 7-7-58. Default—destruction.

### FLOUR

**24861. Flour.** (F.D.C. No. 41196. S. Nos. 65-613 M, 82-787 M.)

INFORMATION FILED: 5-6-58, S. Dist. Ohio, against C. L. Bailey Grocery Co., Marietta, Ohio.

ALLEGED VIOLATION: On 9-19-57 and between 10-21-57 and 11-6-57, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the article to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent hairs and rodent excreta; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-26-58. Fine of \$1,000.

**24862. Flour.** (F.D.C. No. 41500. S. No. 1-100 P.)

QUANTITY: 181 25-lb. bags at Taylorsville, N.C., in possession of Trio Wholesale Grocery Co.

SHIPPED: 10-19-57, from Atlanta, Ga.

LIBELED: 4-3-58, W. Dist. N.C.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-12-58. Default—destruction of 12 bags, the amount actually seized.

**24863. Flour.** (F.D.C. No. 41629. S. No. 26-403 P.)

QUANTITY: 13 50-lb. bags at Des Moines, Iowa, in possession of Leiserowitz Grocery Co.

SHIPPED: Between 9-19-57 and 10-24-57, from Kansas City, Mo.

LIBELED: 3-17-58, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-14-58. Default—denatured and delivered to a charitable institution, for use as animal feed.

24864. Flour (2 seizure actions). (F.D.C. Nos. 41468, 41469. S. Nos. 18-601 P, 18-839 P, 19-114 P.)

QUANTITY: 257 100-lb. bags at Denver, Colo.

SHIPPED: 2-17-58, from Sheridan, Wyo., by Sheridan Flouring Mills, Inc.

LABEL IN PART: "Best Out West Flour," "Denex Flour," and "Special Brand \* \* \* Bakers Flour."

LIBELED: 3-12-58, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-21-58. Consent—claimed by Rust Sales Co., Denver, Colo. Segregated; 66 bags denatured for use as animal feed.

24865. Flour. (F.D.C. No. 41483. S. Nos. 18-717/8 P, 19-056/7 P.)

QUANTITY: 38 100-lb. bags, 87 50-lb. bags, and 156 25-lb. bags, at Las Vegas, N. Mex., in possession of Kimbell-Las Vegas Co.

SHIPPED: 9-26-57 and 1-29-58, from Graham and Amarillo, Tex.

LIBELED: 3-25-58, Dist. N. Mex.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-29-58. Default—released to a charitable institution, for use as animal or poultry feed.

24866. Flour. (F.D.C. No. 41472. S. No. 6-285 P.)

QUANTITY: 8 100-lb. bags at Lawrence, Mass.

SHIPPED: 2-7-57, from Winona, Minn.

LIBELED: 3-12-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 4-21-58. Default—consumption by animals.

### MISCELLANEOUS CEREALS

24867. Unpopped popcorn. (F.D.C. No. 41688. S. No. 20-206 P.)

QUANTITY: 68,630 lbs. at Lawrence, Kans.

SHIPPED: 4-9-58, from Ord, Nebr., by Boylesen Seed Co.

LIBELED: 5-7-58, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent pellets and insect-damaged, moldy, and rodent-gnawed kernels; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 6-10-58. Consent—claimed by TNT Food Products, Inc., Lawrence, Kans., and converted into animal feed.

24868. Unpopped popcorn. (F.D.C. No. 41240. S. Nos. 68-143/4 M, 20-186/7 P.)

QUANTITY: 37 cases, 24 1-lb. bags each, and 36 cases, 6 5-lb. bags each, at Wichita, Kans.

SHIPPED: 11-26-56 and 12-18-56, from Dixon, Ill.



**LIBELED:** 1-9-58, Dist. Kans.; amended libel on or about 2-10-58.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 3-18-58 and 4-9-58. Default—consumption by animals.

**24869. Rice.** (F.D.C. No. 41360. S. No. 74-792 M.)

**QUANTITY:** 208 100-lb. bags at Seattle, Wash.

**SHIPPED:** 6-18-57, from Houston, Tex.

**LIBELED:** 1-14-58, W. Dist. Wash.

**CHARGE:** 402(a) (3)—contained insects and insect excreta while held for sale.

**DISPOSITION:** 3-3-58. Consent—claimed by Comet Rice Mills, Houston, Tex. 100 lbs. destroyed and remainder remilled under supervision of Food and Drug Administration.

**24870. Rice.** (F.D.C. No. 41558. S. No. 4-363 P.)

**QUANTITY:** 50 bales, 20 3-lb. bags each, at Huntington, W. Va.

**SHIPPED:** 4-15-54, from Stuttgart, Ark.

**LIBELED:** 5-13-58, S. Dist. W. Va.

**CHARGE:** 402(a) (3)—contained insects and insect parts while held for sale.

**DISPOSITION:** 6-6-58. Default—converted into bird food.

**24871. Rice.** (F.D.C. No. 41295. S. Nos. 74-784/5 M.)

**QUANTITY:** 30 100-lb. bags and 30 50-lb. bags at Seattle, Wash.

**SHIPPED:** 6-10-57 and 9-7-57, from Sacramento, Calif.

**LIBELED:** 12-17-57, W. Dist. Wash.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 3-31-58. Consent—claimed by North Coast Importing Co., Seattle, Wash. Reconditioned; 120 lbs. destroyed.

**24872. Wheat.** (F.D.C. No. 41345. S. No. 21-262 P.)

**QUANTITY:** 121,860 lbs. at Kansas City, Kans.

**SHIPPED:** 1-3-58, from Atlanta, Nebr., by Slater Bros. Grain Co.

**LIBELED:** 1-13-58, Dist. Kans.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 3-4-58. Consent—claimed by Slater Bros. Grain Co. Segregated: 5,160 lbs. converted into animal feed.

**24873. Wheat.** (F.D.C. No. 41605. S. No. 20-072 P.)

**QUANTITY:** 121,800 lbs. at Kansas City, Kans.

**SHIPPED:** 2-5-58, from Colton, Nebr., by Colton Grain Co.

**LIBELED:** 3-6-58, Dist. Kans.

**CHARGE:** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 3-13-58. Consent—claimed by Colton Grain Co. Segregated; 5,650 lbs. converted into animal feed.

**24874. Wheat.** (F.D.C. No. 41616. S. No. 36-767 P.)

**QUANTITY:** 1 carload (120,190 lbs.) at St. Louis, Mo.

**SHIPPED:** 2-25-58, from Minneapolis, Minn., by Flour Mills of America, Inc.

**LIBELED:** 3-7-58, E. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-26-58. Consent—claimed by Flour Mills of America, Inc., and converted into animal feed.

**24875. Wheat.** (F.D.C. No. 41503. S. No. 41-106 P.)

QUANTITY: 120,000 lbs. at Seattle, Wash.

SHIPPED: 3-14-58, from Cooper, Mont., by John Zoller.

LIBELED: 4-7-58, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 4-8-58. Consent—claimed by Greely Elevator Co., Great Falls, Mont., and denatured for consumption by livestock.

**24876. Wheat.** (F.D.C. No. 41659. S. No. 26-719 P.)

QUANTITY: 119,160 lbs. at Minneapolis, Minn.

SHIPPED: 3-20-58, from Gettysburg, S. Dak., by Sexauer Co.

LIBELED: 4-14-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 4-18-58. Consent—claimed by Sexauer Co. Segregated; 7,160 lbs. decharacterized for use as animal feed.

**24877. Wheat.** (F.D.C. No. 41654. S. No. 26-535 P.)

QUANTITY: 115,800 lbs. at St. Paul, Minn.

SHIPPED: 3-20-58, from Yale, S. Dak., by J & O Grain Co.

LIBELED: 4-7-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 4-15-58. Consent—claimed by Farmers Elevator Co., Yale, S. Dak. Segregated; 11,870 lbs. denatured for use as animal feed.

**24878. Wheat.** (F.D.C. No. 41606. S. No. 21-074 P.)

QUANTITY: 109,500 lbs. at Kansas City, Kans.

SHIPPED: 2-12-58, from Big Springs, Nebr., by Farmers Coop. Elevator Association.

LIBELED: 3-6-58, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-20-58. Consent—claimed by Farmers Coop. Elevator Association. Segregated; 2,910 lbs. converted into animal feed.

**24879. Wheat.** (F.D.C. No. 41680. S. No. 21-302 P.)

QUANTITY: 108,600 lbs. at Kansas City, Kans.

SHIPPED: 4-17-58, from McCook, Nebr., by Gale Grain & Fuel Co.

LIBELED: 4-28-58, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 4-30-58. Consent—claimed by Klecan Grain Co., Kansas City, Mo. Segregated; 8,760 lbs. destroyed.

**24880. Wheat.** (F.D.C. No. 41631. S. No. 21-084 P.)

QUANTITY: 99,000 lbs. at Kansas City, Kans.

SHIPPED: 3-7-58, from Wilcox, Nebr., by Continental Grain Co.

LIBELED: 3-19-58, Dist. Kans.



**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 3-28-58. Consent—claimed by Continental Grain Co. Segregated; 7,130 lbs. converted into animal feed.

**24881. Wheat.** (F.D.C. No. 41666. S. No. 26-720 P.)

**QUANTITY:** 90,000 lbs. at Brandon, Minn.

**SHIPPED:** 3-27-58, from Stanton, N. Dak., by Stanton Grain Co.

**LIBELED:** 4-15-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 4-25-58. Consent—claimed by Farmers Grain Co., Porter, Minn. Segregated; 9,360 lbs. ground for use as animal feed.

**24882. Wheat.** (F.D.C. No. 41643. S. No. 20-744 P.)

**QUANTITY:** 87,960 lbs. at Kansas City, Kans.

**SHIPPED:** 3-18-58, from Curtis, Nebr., by Simond-Shields-Theis Grain Co.

**LIBELED:** 4-1-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 4-5-58. Consent—claimed by Simond-Shields-Theis Grain Co., Curtis, Nebr. Segregated; 7,080 lbs. converted to use other than for human consumption.

**24883. Wheat.** (F.D.C. No. 41667. S. No. 26-623 P.)

**QUANTITY:** 50,890 lbs. at Des Moines, Iowa.

**SHIPPED:** 3-7-58, from Minneapolis, Minn., by McCaull Lyman Co.

**LIBELED:** 4-14-58, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained moldy and musty wheat when shipped.

**DISPOSITION:** 4-29-58. Consent—claimed by Farmers Elevator Co., Hannaford, N. Dak., and denatured for use as animal feed.

## DAIRY PRODUCTS

### BUTTER

**24884. Butter.** (F.D.C. No. 41183. S. Nos. 55-040 M, 55-048 M.)

**INFORMATION FILED:** 5-2-58, S. Dist. Ind., against Beatrice Foods Co., d/b/a Tip Top Creamery Co., Vincennes, Ind.

**SHIPPED:** 7-30-57 and 8-6-57, from Indiana to Kentucky.

**CHARGE:** 402(a)(3)—when shipped, contained a decomposed substance by reason of the use of decomposed cream in the preparation of the article.

**PLEA:** Guilty.

**DISPOSITION:** 6-19-58. Fine, \$2,500, plus costs.

**24885. Butter.** (F.D.C. No. 40818. S. No. 78-870 M.)

**QUANTITY:** 53 65-lb. ctns. at New York, N.Y.

**SHIPPED:** 10-17-57, from Holdrege, Nebr., by Ocoma Foods Co.

**LABEL IN PART:** (Ctn.) "Ocoma Unsalted Butter."

**LIBELED:** 12-2-57, S. Dist. N.Y.

**CHARGE:** 402(b)(2)—the article was below the legal standard for milk fat when shipped.

DISPOSITION: 1-23-58. Consent—claimed by Ocoma Foods Co. and reconditioned to be brought into compliance with the law.

## FRUITS AND VEGETABLES

### CANNED FRUIT

24886. Canned purple plums. (F.D.C. No. 41573. S. No. 7-226 P.)

QUANTITY: 16 cases, 24 1-lb. 13-oz. cans each, at Cambridge, Mass.

SHIPPED: December 1956, from Sherwood, Oreg.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 5-26-58, Dist. Mass.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 7-7-58. Default—destruction.

### DRIED FRUIT AND FRUIT PRODUCTS

24887. Dried apples and dates. (F.D.C. No. 41526. S. Nos. 6-473/4 P.)

QUANTITY: 12 50-lb. ctns. of dried apples and 6 66-lb. boxes of dates at Boston, Mass.

SHIPPED: 11-14-55 and 1-2-57, from New York, N.Y., and Wenatchee, Wash.

LIBELED: 4-18-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 6-2-58. Default—delivered to a public institution, for use as animal feed.

24888. Dried apple pomace. (F.D.C. No. 41517. S. No. 6-824 P.)

QUANTITY: 79 55-lb. bags at Natick, Mass., in possession of Whipple Co.

SHIPPED: 3-3-58, from Hilton, N.Y.

LIBELED: 4-14-58, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine and rodent hair fragments; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-9-58. Default—destruction.

24889. Raisins. (F.D.C. No. 41905. S. No. 7-350 P.)

QUANTITY: 1,199 30-lb. ctns. at Providence, R.I.

SHIPPED: 4-8-58, from Fresno, Calif., by Sun-Maid Raisin Growers.

LABEL IN PART: (Ctn.) "Sun Maid Raisins \* \* \* Sun-Maid Raisin Growers of California \* \* \* Fresno California."

RESULTS OF INVESTIGATION: Inspection of Sun-Maid Growers of California storage plant at Biola, Calif., showed that the article was stored in a rodent- and insect-infested warehouse prior to packing.

LIBELED: 7-1-58, Dist. R.I.

CHARGE: 402(a)(3)—contained rodent hairs and insects and insect parts when shipped; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-28-58. Consent—claimed by Sun-Maid Raisin Growers of California and converted into neutral raisin brandy.



**24890. Raisins.** (F.D.C. No. 41857. S. Nos. 3-718/9 P.)

QUANTITY: 619 cases, 48 15-oz. boxes each, at Baltimore, Md.

SHIPPED: 4-18-58, from Fresno, Calif., by Sun-Maid Raisin Growers of Calif.

LABEL IN PART: (Box) "Sun Maid Raisins \* \* \* Net Weight 15 Oz."

LIBELED: 6-11-58, Dist. Md.

CHARGE: 402(a)(3)—contained insect fragments and rodent hairs; and 402(a)(4)—held under insanitary conditions prior to shipment.

DISPOSITION: 7-16-58. Default—destruction.

**VEGETABLES AND VEGETABLE PRODUCTS****24891. Dried Lima beans.** (F.D.C. No. 41832. S. No. 1-721 P.)

QUANTITY: 16 100-lb. bags at Athens, Ga., in possession of North Georgia Brokerage Co.

SHIPPED: 11-1-56, from North Kansas City, Mo.

LIBELED: 6-28-58, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-27-58. Default—destruction.

**24892. Dried black-eyed peas.** (F.D.C. No. 40656. S. No. 57-341 M.)

QUANTITY: 5 cases, 6 66-oz. bags each, at Macon, Ga.

SHIPPED: Between 5-16-57 and 7-1-57, from Indianapolis, Ind.

LIBELED: 9-24-57, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-26-57. Default—destruction.

**24893. Split peas and dried lentils.** (F.D.C. No. 41799. S. Nos. 39-668/9 P.)

QUANTITY: 112 100-lb. bags of split peas and 39 100-lb. bags of dried lentils at Stockton, Calif., in possession of Valley Bean Warehouse, Inc.

SHIPPED: 1-9-58 and 3-27-58, from Craigmont, Idaho, and Mabton, Wash.

LIBELED: 6-11-58, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-29-58. Consent—claimed by Klein Bros., Stockton, Calif. Segregated; 30 bags of split peas and 6 bags of dried lentils denatured.

**24894. Frozen spinach.** (F.D.C. No. 41676. S. No. 16-790 P.)

QUANTITY: 129 cases, 24 10-oz. pkgs. each, at Maple Heights, Ohio.

SHIPPED: 1-16-58, from Chicago, Ill., by Topco Associates, Inc.

LABEL IN PART: (Case) "Top Frost Leaf Spinach Packed Nov. 17-57"; (pkg.) "Top Frost Frozen Fresh Leaf Spinach."

RESULTS OF INVESTIGATION: Examination showed that the article contained up to 13.8 parts per million of DDT.

LIBELED: 4-23-58, N. Dist. Ohio.

CHARGE: 402(a)(2)—contained, when shipped, an added poisonous and deleterious substance, DDT, which is unsafe within the meaning of Section 406

since the quantity of DDT contained on the article was greater than the tolerance fixed by regulations for DDT on fresh spinach.

DISPOSITION: 5-16-58. Consent—destruction.

24895. Green olives. (F.D.C. No. 41512. S. No. 40-779 P.)

QUANTITY: 19 cases, 24 jars each, at Great Falls, Mont.

SHIPPED: 12-10-57, from Chicago, Ill., by Realemon-Puritan Co.

LABEL IN PART: (Jar) "No. 16 Jar Dr. Net. Wt. 10½ Oz. Av'd. Fairview Brand Salad Olives."

LIBELED: 4-11-58, Dist. Mont.

CHARGE: 402(a)(1)—when shipped, the article contained wood fragments, an added deleterious substance, which may have rendered the article injurious to health; 402(a)(3)—contained insects; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents (the article was short weight).

DISPOSITION: 6-24-58. Default—destruction.

24896. Sweet pickles. (F.D.C. No. 41599. S. No. 18-830 P.)

QUANTITY: 41 1-gal. jars at Amarillo, Tex.

SHIPPED: 11-18-57, from Denver, Colo., by American Products Co.

LABEL IN PART: "Golden Light Brand Midget Sweet Pickles."

LIBELED: 3-6-58, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insects, insect fragments, and rodent hairs; 402(a)(4)—prepared and packed under insanitary conditions; 403(i)(2)—the label of the article failed to bear a statement containing the common or usual name of each ingredient; and 403(k)—the article contained sodium benzoate, a chemical preservative, and it failed to bear a label stating that fact.

DISPOSITION: 7-30-58. Default—destruction.

## NUTS AND NUT PRODUCTS

24897. Unshelled almonds (4 seizure actions). (F.D.C. Nos. 41252, 41265, 41267, 41282. S. Nos. 73-122/3 M, 73-125 M, 89-858 M, 90-392 M, 90-395 M, 90-566 M.)

QUANTITY: 443 cases, 24 14-oz. bags each, 40 cases, 48 12-oz. bags each, 39 cases, 24 12-oz. bags each, and 2 80-lb. bags at Denver and Pueblo, Colo.

SHIPPED: Between 11-18-55 and 11-26-57, from Chico, Orange, Santa Clara, and San Francisco, Calif., by Rosenberg Bros. & Co., Inc.

LABEL IN PART: (Bag) "Golden Bloom \* \* \* Softshell Almonds," "Bowl O'Nuts Soft Shell California Almonds," or "Sugaripe California Almonds."

LIBELED: Between 12-30-57 and 1-14-58, Dist. Colo.

CHARGE: 402(a)(3)—contained insects, insect-infested nuts, decomposed nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 2-18-58. Consent—claimed by Rosenberg Bros. & Co., Inc., San Francisco, Calif. The nuts were commingled during the segregation operations with the nuts involved in the libel action reported in notices of judgment on food, No. 24898. As a result of segregation, 5,207 lbs. were found unfit and were destroyed.



**24898. Unshelled almonds.** (F.D.C. No. 41226. S. No. 90-481 M.)

QUANTITY: 11 25-lb. bags at Denver, Colo.

SHIPPED: 12-11-56, from Chico, Calif.

LIBELED: 12-12-57, Dist. Colo.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 2-18-58. Consent—claimed by Rosenberg Bros. & Co., Inc., San Francisco, Calif. The nuts were commingled during the segregation operations with the nuts involved in the libel action reported in notices of judgment on food, No. 24897. As a result of segregation, 5,207 lbs. were found unfit and were destroyed.

**24899. Unshelled brazil nuts.** (F.D.C. No. 41639. S. No. 25-924 P.)

QUANTITY: 5 75-lb. bags at St. Paul, Minn.

SHIPPED: 2-25-58, from New York, N.Y., by Flamingo Fruit Co.

LIBELED: 3-26-58, Dist. Minn.

CHARGE: 402(a) (3)—contained rancid and moldy nuts and empty shells when shipped.

DISPOSITION: 5-21-58. Default—destruction.

**24900. Unshelled brazil nuts.** (F.D.C. No. 41662. S. No. 11-538 P.)

QUANTITY: 12 25-lb. bags at Fond du Lac, Wis.

SHIPPED: Between 11-8-57 and 11-20-57, from New York, N.Y., by William A. Camp Co., Inc.

LABEL IN PART: (Bag) "American Beauty Brand—Brazil Nuts."

LIBELED: 4-9-58, E. Dist. Wis.

CHARGE: 402(a) (3)—when shipped, contained rancid and moldy nuts and was otherwise unfit for food because of presence of empty shells.

DISPOSITION: 6-6-58. Default—destruction.

**24901. Cashew nuts.** (F.D.C. No. 41580. S. No. 38-961 P.)

QUANTITY: 193 25-lb. ctns. at San Francisco, Calif.

SHIPPED: On an unknown date, from outside the United States.

LIBELED: 2-14-58, N. Dist. Calif.

CHARGE: 402(a) (3)—contained insects, insect webbing, and insect-chewed nuts while held for sale.

DISPOSITION: 4-4-58. Consent—claimed by Kelling Nut Co., Chicago, Ill. Reconditioning was unsuccessful, and the article was destroyed.

**24902. Shelled peanuts.** (F.D.C. No. 41660. S. No. 13-094 P.)

QUANTITY: 92 100-lb. bags at Huntington, Ind., in possession of Phyleen Candy Co.

SHIPPED: 9-17-57, from Shellman, Ga.

LIBELED: 4-11-58, N. Dist. Ind.

CHARGE: 402(a) (3)—contained rodent urine, insects, and insect fragments; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-27-58. Default—45 bags of the article (the amount actually seized) were disposed of for use as animal feed.

**24903. Shelled peanuts.** (F.D.C. No. 41426. S. Nos. 7-152/3 P.)

QUANTITY: 15 117-lb. bags and 3 125-lb. bags at Cambridge, Mass., in possession of Deran Confectionery Co., Inc.

SHIPPED: 10-23-57, from Suffolk, Va., and 4-17-57, from Norfolk, Va.

LIBELED: 2-14-58, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-20-58. Consent—claimed by Deran Confectionery Co., Inc. Segregated; 255 lbs. denatured.

**24904. Shelled peanuts.** (F.D.C. No. 41529. S. No. 12-683 P.)

QUANTITY: 280 120-lb. bags at Chicago, Ill.

SHIPPED: 3-8-58, from Greenwood, Fla., by Pender Peanut Corp.

LIBELED: 4-23-58, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 5-21-58. Default—sold and converted into animal feed.

**24905. Unshelled peanuts and Spanish peanuts.** (F.D.C. No. 41830. S. Nos. 43-544/5 P.)

QUANTITY: 131 100-lb. bags of unshelled peanuts and 79 124-lb. bags of Spanish peanuts at Salt Lake City, Utah, in possession of R. M. Bonne Co.

SHIPPED: Between 12-27-57 and 4-9-58 (unshelled peanuts), from Suffolk, Va.; 1-1-58 (Spanish peanuts), from Okmulgee, Okla.

LIBELED: 7-3-58, Dist. Utah.

CHARGE: 402(a)(3)—contained (both lots) rodent urine and Spanish peanuts contained also rodent pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-30-58. Default—delivered to a State institution, for use as animal feed.

**24906. Peanut butter.** (F.D.C. No. 41686. S. No. 20-208 P.)

QUANTITY: 17 cases, 12 jars each, at Wichita, Kans.

SHIPPED: 11-7-57, from Lincoln, Nebr., by J. F. Garvey.

LABEL IN PART: (Jar) "Ranney's Chunky—Net Wt. 12 Oz. Peanut Butter."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The average shortage was 4.75 percent.

LIBELED: 5-7-58, Dist. Kans.

CHARGE: 403(e)(2)—when shipped, the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 6-27-58. Default—delivered to a local charitable institution.

**24907. Shelled pecans.** (F.D.C. No. 41904. S. No. 3-317 P.)

QUANTITY: 25 30-lb. boxes at Bluefield, W. Va.

SHIPPED: 5-19-58, from Orangeburg, S.C.

LIBELED: 7-3-58, S. Dist. W. Va.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 8-13-58. Default—consumption by animals.



**24908. Shelled pecans.** (F.D.C. No. 41594. S. No. 16-161 P.)

QUANTITY: 4 30-lb. cases at Dayton, Ohio.

SHIPPED: 12-9-57, from Chicago, Ill., by John B. Sanfilippo & Son.

LIBELED: 2-24-58, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 4-4-58. Default—consumption by animals.

**24909. Shelled pecans.** (F.D.C. No. 41626. S. No. 24-913 P.)

QUANTITY: 10 30-lb. cases at St. Paul, Minn.

SHIPPED: 2-12-58, from Fort Worth, Tex., by Ellis Pecan Co.

LIBELED: 3-17-58, Dist. Minn.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 6-9-58. Default—consumption by animals.

**24910. Shelled pecans.** (F.D.C. No. 41628. S. Nos. 11-531 P, 11-532 P.)

QUANTITY: 50 30-lb. ctns. at Appleton, Wis.

SHIPPED: 2-5-58, from Chicago, Ill., by John B. Sanfilippo & Son.

LABEL IN PART: (Ctn.) "Amber Pecan Pcs" and "Amber Pecan Halves."

LIBELED: 3-14-58, E. Dist. Wis.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-2-58. Consent—claimed by John B. Sanfilippo & Son. The article was brought into compliance with the law by washing and pasteurizing.

**24911. Shelled walnuts.** (F.D.C. No. 41527. S. Nos. 6-827/8 P.)

QUANTITY: 17 55-lb. cases at Natick, Mass.

SHIPPED: 2-17-58, from Brooklyn, N.Y., by States Marine-Isthmian Agency, Inc.

LABEL IN PART: (Case) "Shelled Walnuts \* \* \* Produce of India Light Amber Pieces \* \* \* Produced and Packed by Lal & Company, 19 Chinch Bunder, Bombay 9 TMDS Boston 8931 L. & C."

LIBELED: 4-22-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insect-damaged nuts and moldy nuts when shipped.

DISPOSITION: 5-29-58. Consent—claimed by T. M. Duche & Sons, Inc., Boston, Mass. Segregated; 149 lbs. denatured.

**24912. Shelled walnuts.** (F.D.C. No. 41636. S. No. 8-650 P.)

QUANTITY: 50 25-lb. cases at Buffalo, N.Y.

SHIPPED: 11-23-57, from San Jose, Calif., by Cottage Grove Nut Co.

LIBELED: 3-20-58, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained moldy nuts and insects when shipped.

DISPOSITION: 4-11-58. Consent—claimed by Cottage Grove Nut Co. Segregated; 30 lbs. denatured.

**24913. Shelled walnuts.** (F.D.C. No. 41596. S. No. 18-275 P.)

QUANTITY: 12 25-lb. cases at Salt Lake City, Utah.

SHIPPED: 10-25-57, from San Jose, Calif., by Cottage Grove Nut Co.

LABEL IN PART: (Case) "California Walnut Meats."

LIBELED: 3-4-58, Dist. Utah.

CHARGE: 402(a)(3)—contained insects and moldy nuts when shipped.

DISPOSITION: 5-2-58. Default—consumption by animals.

**24914. Unshelled mixed nuts.** (F.D.C. No. 41621. S. No. 26-311 P.)

QUANTITY: 14 50-lb. bags at Sioux City, Iowa, in possession of Kaplan Wholesale Grocery.

SHIPPED: 10-24-57, from Dallas, Tex.

LIBELED: 3-10-58, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-3-58. Consent—claimed by Kaplan Wholesale Grocery. Segregated; 45 lbs. destroyed.

**24915. Coconuts.** (F.D.C. No. 41436. S. No. 3-468 P.)

QUANTITY: 1,021 bags, 40 coconuts each, at Baltimore, Md., in possession of Baltimore & Ohio Railroad Co.

SHIPPED: 1-14-58, from Rio Grande, P.R.

LIBELED: 2-25-58, Dist. Md.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-23-58. Default—destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**24916. Chili pods.** (F.D.C. No. 41398. S. Nos. 18-362/3 P.)

QUANTITY: 23 ctns., 12 1-lb. pkgs. each, and 27 ctns., 12 ½-lb. pkgs. each, at El Paso, Tex.

SHIPPED: Between 1-6-58 and 1-14-58, from Derry, N. Mex.

LIBELED: 2-11-58, W. Dist. Tex.

CHARGE: 402(a)(3)—contained moldy chili pods while held for sale.

DISPOSITION: 4-8-58. Default—destruction.

**24917. Dry chili pods.** (F.D.C. No. 41387. S. No. 27-804 P.)

QUANTITY: 250 200-lb. bags at Austin, Tex.

SHIPPED: 10-4-57, from San Ysidro, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article contained rodent urine, rodent excreta pellets, and rodent hairs, and that it was stored in rodent-gnawed bags.

LIBELED: 1-31-58, W. Dist. Tex.

CHARGE: 402(a)(3)—contained a filthy substance; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-4-58. Consent—claimed by Austex Foods, Inc. Segregated; 6,479 lbs. destroyed.



**24918. Chili powder (7 seizure actions).** (F.D.C. Nos. 41236, 41237, 41262, 41263, 41273, 41322, 41329. S. Nos. 51-387 M, 53-761 M, 66-705 M, 72-957 M, 84-097 M, 85-134/6 M.)

**QUANTITY:** 1,707 cases, 36 1-oz. btls. each; 63 cases, 24 3-oz. btls. each; and 185 cases, 24 1-oz. btls. each, at San Francisco and National City, Calif.; Denver, Colo.; Chicago, Ill.; New Orleans, La.; and St. Louis, Mo.

**SHIPPED:** Between 10-3-57 and 11-29-57, from San Antonio, Tex., by Gebhardt Chili Powder Co.

**LABEL IN PART:** (Btl.) "Gebhardt's Eagle Chili Powder."

**LIBELED:** Between 12-4-57 and 1-8-58, N. Dist. Calif., S. Dist. Calif., Dist. Colo., N. Dist. Ill., E. Dist. La., and E. Dist. Mo.

**CHARGE:** 402(a)(1)—when shipped, contained a deleterious substance, glass, which may have rendered the article injurious to health; and 402(a)(2)—contained an added deleterious substance, glass, which is unsafe within the meaning of 406.

**DISPOSITION:** Between 1-29-58 and 2-12-58. Default—destruction.

**24919. Caraway seed and poppyseed.** (F.D.C. No. 41586. S. Nos. 20-563/4 P.)

**QUANTITY:** 3 110-lb. bags of caraway seed and 5 110-lb. bags of poppyseed at Wichita, Kans., in possession of Cains Coffee Co.

**SHIPPED:** 1-7-58, from Oklahoma City, Okla.

**LIBELED:** 2-24-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-9-58. Default—consumption by animals.

**24920. Fennel seed.** (F.D.C. No. 41732. S. Nos. 64-336/7 M.)

**INFORMATION FILED:** 8-28-58, N. Dist. Ohio, against Basic Food Materials, Inc., Vermilion, Ohio, and Ray F. Beerend, president.

**SHIPPED:** Between 8-26-57 and 10-11-57, from Ohio to New York.

**CHARGE:** 402(a)(3)—contained rodent excreta; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 9-19-58. Corporation—\$2,000 fine; individual—\$2,000 fine and placed on probation for 5 years.

**24921. Fennel seed.** (F.D.C. No. 41788. S. No. 19-924 P.)

**QUANTITY:** 1 drum, 176 lbs. total, at Omaha, Nebr.

**SHIPPED:** 5-5-58, from Chicago, Ill., by Wixon Spice Co.

**LABEL IN PART:** (Drum) "Whole Fennel Seed 194-18-176."

**LIBELED:** 6-5-58, Dist. Nebr.

**CHARGE:** 402(a)(3)—contained rodent pellets and clumps of manure when shipped.

**DISPOSITION:** 6-19-58. Consent—destruction.

**24922. Fennel seed.** (F.D.C. No. 41781. S. No. 19-911 P.)

**QUANTITY:** 3 drums, 549 lbs. total, at Omaha, Nebr.

**SHIPPED:** 4-25-58, from Chicago, Ill., by Wixon Spice Co.

**LIBELED:** 5-22-58, Dist. Nebr.

**CHARGE:** 402(a)(3)—contained rodent pellets and insects when shipped.

**DISPOSITION:** 6-5-58. Consent—destruction.

**24923. Fennel seed.** (F.D.C. No. 41839. S. No. 19-938 P.)

**QUANTITY:** 5 drums containing a total of 1,000 lbs. at Omaha, Nebr.

**SHIPPED:** 6-9-58, from St. Louis, Mo., by Jas. H. Forbes Tea & Coffee Corp.

**LABEL IN PART:** "Forbes 06068 Whole Triple Cleaned Fennel Seed."

**LIBELED:** 7-7-58, Dist. Nebr.

**CHARGE:** 402(a)(3)—contained insects, rodent pellets, and rodent hairs when shipped.

**DISPOSITION:** 7-17-58. Consent—destruction.

**24924. Mustard seed.** (F.D.C. No. 41872. S. Nos. 39-035/40 P, 39-747 P.)

**QUANTITY:** 34 100-lb. bags of oriental mustard seed and 1,953 100-lb. bags of yellow mustard seed at Emeryville, Calif., in possession of Morehouse Mustard & Supply Co.

**SHIPPED:** Between 11-10-56 and 3-18-58, from Spokane and St. John, Wash., Sunburst, Mont., and Gifford, Idaho.

**LIBELED:** 6-23-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained rodent urine and bird excreta; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 7-18-58. Consent—claimed by E. L. McDonnell & Co., Inc., Spokane, Wash. Segregated; 982 100-lb. bags of yellow mustard seed and 23 100-lb. bags of oriental mustard seed were denatured for use as seed.

**24925. Mustard seed.** (F.D.C. No. 41890. S. Nos. 41-942/3 P.)

**QUANTITY:** 115 100-lb. bags at Seattle, Wash.

**SHIPPED:** 8-12-57 and 5-7-58, from Conrad, Mont., by Northern Montana Mustard Growers Co-operative.

**LIBELED:** 6-27-58, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent urine when shipped.

**DISPOSITION:** 7-11-58. Consent—claimed by Pacific Food Products Co., Seattle, Wash. Reprocessing was unsuccessful, and the article was destroyed.

**24926. Paprika.** (F.D.C. No. 41663. S. No. 16-391 P.)

**QUANTITY:** 1 150-lb. drum at Dayton, Ohio.

**SHIPPED:** 12-30-57, from New York, N.Y., by First Spice Mixing Co., Inc.

**LABEL IN PART:** (Drum) "Treated Pure Ground Paprika Ingredients: Pure Ground Spices and Flavoring."

**RESULTS OF INVESTIGATION:** Examination showed that the article consisted of paprika with added beet pulp.

**LIBELED:** 4-10-58, S. Dist, Ohio; amended libel filed 6-27-58.

**CHARGE:** 403(a)—when shipped, the label statement "Pure Ground Paprika" was false and misleading.

**DISPOSITION:** 6-27-58. Default—destruction.



**24927. Sage.** (F.D.C. No. 41671. S. Nos. 39-231 P, 39-558 P.)

**QUANTITY:** 166 50-lb. bags at San Francisco, Calif., in possession of South End Warehouse Co. (Terminal Warehouse).

**SHIPPED:** 11-14-56, from outside the United States.

**LIBELED:** 4-18-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 7-10-58. Consent—claimed by Kellys America, Ltd., New York, N.Y. Segregated; 39 bags destroyed.

**24928. Sesame seed.** (F.D.C. No. 41545. S. No. 30-630 P.)

**QUANTITY:** 75 100-lb. bags at New York, N.Y., in possession of Levy & Levis Co., Inc.

**SHIPPED:** November 1957, from Paris, Tex.

**LIBELED:** 5-12-58, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 6-16-58. Consent—claimed by Levy & Levis Co., Inc. Segregated; 35 bags converted into bird feed.

**24929. Dillweed.** (F.D.C. No. 41871. S. No. 21-431 P.)

**QUANTITY:** 4 barrels at Omaha, Nebr.

**SHIPPED:** 4-2-58 and 5-6-58, from Wattenberg, Colo., by Haarmann Pickle Co.

**LIBELED:** 6-23-58, Dist. Nebr.

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 6-30-58. Consent—destruction.

**24930. Hotdog relish.** (F.D.C. No. 41602. S. No. 27-851 P.)

**QUANTITY:** 15 cases, 12 jars each, at New Orleans, La.

**SHIPPED:** 1-22-58, from Montgomery, Ala., by W & W Pickle Co.

**LABEL IN PART:** (Jar) "Whitfield Hot Dog Relish \* \* \* 12 Fl. Oz. Packed By Alaga Syrup Company, Montgomery, Alabama, Dallas, Texas."

**LIBELED:** 2-27-58, E. Dist. La.

**CHARGE:** 402(a)(2)—when shipped, contained glass, an added deleterious substance, which is unsafe within the meaning of 406.

**DISPOSITION:** 4-10-58. Default—destruction.

**24931. Salad dressing.** (F.D.C. No. 41838. S. No. 25-470 P.)

**QUANTITY:** 14 4-gal. drums at Minneapolis, Minn.

**SHIPPED:** 4-3-58, from Chicago, Ill., by Old Monk Co.

**LABEL IN PART:** (Drum) "Old Monk Special Packers Formula Salad Dressing."

**LIBELED:** 7-9-58, Dist. Minn.

**CHARGE:** 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for salad dressing since the article contained less than 30 percent by weight of vegetable oil.

**DISPOSITION:** 8-21-58. Default—given to a charitable institution, for food purposes.

**24932. Spaghetti sauce.** (F.D.C. No. 41655. S. No. 21-107 P.)

**QUANTITY:** 55 cases, 12 18-oz. btls. each, at Kansas City, Kans.

**SHIPPED:** Between 2-26-58 and 3-14-58, from Kansas City, Mo., by Phipps Products Co.

**LABEL IN PART:** (Btl.) "Old Southern's One Minute Spaghetti Sauce \* \* \*  
Ingredients: Tomato Products, Sugar, Salt, Bouillon, Onion, Garlic, Spices, Oil."

**RESULTS OF INVESTIGATION:** Examination and investigation showed that the article contained undeclared water, vinegar, and sodium benzoate; that tomato paste and corn oil were not declared by their common or usual names; and that sodium benzoate was not declared as a preservative.

**LIBELED:** 4-14-58, Dist. Kans.

**CHARGE:** 403(i)(2)—when shipped, the article was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient; and 403(k)—the article contained a preservative, sodium benzoate, and it failed to bear a label stating that fact.

**DISPOSITION:** 4-29-58. Default—delivered to a charitable organization.

**24933. Apple cider vinegar.** (F.D.C. No. 41751. S. No. 3-942 P.)

**INFORMATION FILED:** 7-7-58, Dist, Md., against Samuel C. Woodland, t/a Inter-State Cider & Vinegar Co., Baltimore, Md., and Carl Woodland, manager.

**SHIPPED:** 12-17-57, from Maryland to Virginia.

**LABEL IN PART:** (Jug) "Log Cabin Trade Mark Pasteurized & Pure Apple Cider Vinegar Full strength—aged in wood in its original natural flavor Contents 1 Fl. Gallon Manufactured & Guaranteed By Inter-State Cider and Vinegar Co. Home Office, Baltimore, Md."

**CHARGE:** 402(b)(1)—when shipped, a valuable constituent of the article, apple cider vinegar, had been in part omitted from the article; 402(b)(4)—artificial color had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was; 403(a)—the label statement "Pure Apple Cider Vinegar" was false and misleading as applied to the article, which consisted of a mixture of artificially colored apple cider vinegar and distilled vinegar or acetic acid; and 403(k)—the article contained artificial coloring, caramel color, and failed to bear labeling stating that fact.

**PLEA:** Guilty.

**DISPOSITION:** 9-12-58. Each defendant fined \$500, plus one-half the costs.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**24934. Vitamin capsules.** (F.D.C. No. 41856. S. Nos. 7-628/31 P.)

**QUANTITY:** 969 100-capsule btls. and 263 250-capsule btls. at West Roxbury, Mass.

**SHIPPED:** Prior to Jan. 1958, from St. Louis, Mo.

**LIBELED:** 6-5-58, Dist. Mass.



**CHARGE:** 402(b)(1)—valuable constituents, namely vitamin B<sub>1</sub> in all lots of the article and vitamin C in a portion of the article, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the declaration on the label of all lots of the article of the vitamin B<sub>1</sub> content and the declaration on the label of a portion of the article of the vitamin C content were false and misleading as applied to the article, which contained less than the declared amounts of vitamin B<sub>1</sub> in all lots of the article and less than the declared amount of vitamin C in a portion.

**DISPOSITION:** 7-14-58. Default—destruction.

**24935. Vitamin capsules.** (F.D.C. No. 41854. S. No. 6-909 P.)

**QUANTITY:** 10 250-capsule btls. at Springfield, Mass.

**SHIPPED:** 8-21-56, from New York, N.Y.

**LIBELED:** 6-3-58, Dist. Mass.

**CHARGE:** 402(b)(1)—a valuable constituent, namely, vitamin C, had been in whole or in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Each \* \* \* Gelucap Contains \* \* \* Vitamin C (Ascorbic Acid) 30 Mg.," was false and misleading as applied to an article which contained less than the declared amount of vitamin C.

**DISPOSITION:** 8-18-58. Default—destruction.

**24936. Vitamin capsules.** (F.D.C. No. 41524. S. No. 6-331 P.)

**QUANTITY:** 1 bulk container containing 6,900 capsules, 49 500-capsule btls., and 381 120-capsule btls. at Framingham Center, Mass.

**SHIPPED:** 2-8-57, from New York, N.Y.

**RESULTS OF INVESTIGATION:** Examination showed that the article contained less than the declared percentages of the minimum daily requirements of vitamin A, vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, vitamin C, and vitamin D. The article had been shipped in bulk; and, upon receipt in Framingham Center, Mass., the consignee had repackaged a portion of the bulk capsules into bottles.

**LIBELED:** 4-17-58, Dist. Mass.

**CHARGE:** 403(a)—while held for sale, the label statements on the bottles of the article "MDR Vitamin A \* \* \* 112% Vitamin B<sub>1</sub> \* \* \* 300% Vitamin B<sub>2</sub> \* \* \* 300% \* \* \* Vitamin C \* \* \* 250% Vitamin D \* \* \* 150%" were false and misleading.

**DISPOSITION:** 5-23-58. Consent—claimed by Natick Chemical Industries, Inc., Framingham, Mass., and relabeled.

**24937. Vitamin capsules.** (F.D.C. No. 41446. S. No. 34-123 P.)

**QUANTITY:** 35 100-capsule btls. at Wilmington, Del.

**SHIPPED:** Early in 1956, from Worcester, Mass.

**LIBELED:** 2-26-58, Dist. Del.

**CHARGE:** 402(b)(1)—a valuable constituent, vitamin C, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Each capsule contains: \* \* \* vitamin C. . . 50 Mg." was false and misleading as applied to the article, which contained less than the stated amount of vitamin C.

**DISPOSITION:** 5-27-58. Default—destruction.

**24938. Vitamin tablets.** (F.D.C. No. 41470. S. No. 29-809 P.)

QUANTITY: 429 100-tablet btls. at Newark, N.J.

SHIPPED: On an unknown date, from Cleveland, Ohio.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than the declared amount of vitamin B<sub>1</sub>.

LIBELED: On or about 3-24-58, Dist. N.J.

CHARGE: 402(b)(1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Each Tablet Contains Vitamin B<sub>1</sub> 3 mg." was false and misleading.

DISPOSITION: 4-14-58. Default—destruction.

**24939. Vitamin tablets.** (F.D.C. No. 41874. S. No. 34-084 P.)

QUANTITY: 1 20,000-tablet drum and 4 100-tablet btls. at Philadelphia, Pa.

SHIPPED: February 1957, from Cleveland, Ohio.

RESULTS OF INVESTIGATION: The article was shipped in bulk, and, upon arrival in Philadelphia, was repackaged into bottles and relabeled.

Examination showed that the article contained less than the stated amount of vitamin B<sub>12</sub>.

LIBELED: 6-24-58, E. Dist. Pa.

CHARGE: 402(b)(1)—a valuable constituent, vitamin B<sub>12</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Each tablet contains \* \* \* Vitamin B-12 Activity 5 mcg." was false and misleading.

DISPOSITION: 8-27-58. Consent—claimed by American Vitamin Co., Philadelphia, Pa., and repacked and relabeled.

**24940. Vitamin tablets.** (F.D.C. No. 41463. S. No. 30-062 P.)

QUANTITY: 25 btls. at Montclair, N.J.

SHIPPED: 12-17-57, from Long Island City, N.Y., by Nysco Laboratories, Inc.

LABEL IN PART: (Btl.) "1000 tablets Habatinic \* \* \* Each tablet contains: Thiamin Hydrochloride 3 mgm."

LIBELED: 3-11-58, Dist. N.J.

CHARGE: 402(b)(1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article when shipped; and 403(a)—the label statement "Each tablet contains: Thiamin Hydrochloride 3 mgm." was false and misleading as applied to an article which contained less than the stated amount of vitamin B<sub>1</sub>.

DISPOSITION: 4-14-58. Default—destruction.

**24941. Vitamin tablets.** (F.D.C. No. 41553. S. No. 34-017 P.)

QUANTITY: 107 365-tablet btls. at Willow Grove, Pa., in possession of Cent-A-Day Vitamin Co.

SHIPPED: 8-30-57, from Long Island City, N.Y.

LABEL IN PART: (Btl.) "Cent-A-Day Multiple Vitamins \* \* \* One daily as a dietary supplement \* \* \* Thiamin Hydrochloride (Vit. B-1) 1.5 mg."

RESULTS OF INVESTIGATION: The tablets were shipped in bulk; and, upon receipt by the consignee, they were repackaged and relabeled as above.



Examination showed that the article contained less than the declared amount of vitamin B<sub>1</sub>.

**LIBELED:** 5-9-58, E. Dist. Pa.

**CHARGE:** 402(b)(1)—while held for sale, a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Thiamin Hydrochloride (Vit. B-1) 1.5 mg." was false and misleading.

**DISPOSITION:** 6-12-58. Default—destruction.

**24942. Vitamin B complex liquid and vitamin capsules.** (F.D.C. No. 41877. S. Nos. 7-622/3 P, 7-627 P.)

**QUANTITY:** 599 32-oz. btls. and 1,199 16-oz. btls. of vitamin B complex liquid and 118 100-capsule btls. of vitamin capsules at West Roxbury, Mass.

**SHIPPED:** Prior to January 1958, from St. Louis, Mo.

**LIBELED:** 6-20-58, Dist. Mass.

**CHARGE:** 402(b)(1)—while held for sale, valuable constituents, namely, vitamin B<sub>1</sub> in the vitamin B complex liquid and vitamin D in the vitamin capsules, had been in part omitted or abstracted from the articles; and 403(a)—the label statements (vitamin B complex liquid) "Each two tablespoonfuls \* \* \* contains Thiamin Hydrochloride (B-1) 10 mg." and (vitamin capsules) "Each capsule contains \* \* \* Vitamin D \* \* \* 1,000 U.S.P. Units" were false and misleading.

**DISPOSITION:** 8-18-58. Default—destruction.

**24943. B complex supplement.** (F.D.C. No. 41881. S. Nos. 35-370/1 P.)

**QUANTITY:** 1,196 16-oz. btls. and 584 8-oz. btls. at Philadelphia, Pa.

**SHIPPED:** Between 12-15-54 and 8-1-56, from Newark, N.J.

**LIBELED:** 6-24-58, E. Dist. Pa.

**CHARGE:** 402(b)(1)—a valuable constituent of the article, namely, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the statements on the label of the article, namely, "Each two tablespoons \* \* \* contains: Thiamine Hydrochloride (vitamin B<sub>1</sub>) \* \* \* 25 mg.," were false and misleading.

**DISPOSITION:** 7-9-58. Consent—claimed by Chase Chemical Co., Newark, N.J., and reworked to bring the article into compliance with the law.

**24944. Hadacol.** (F.D.C. No. 41587. S. Nos. 8-584/5 P.)

**QUANTITY:** 32 24-oz. btls. and 62 8-oz. btls. at Erie, Pa.

**SHIPPED:** In 1952, from Lafayette, La.

**LIBELED:** 2-21-58, W. Dist. Pa.

**CHARGE:** 402(b)(1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "4 Tablespoonfuls \* \* \* Contain the Vitamins B<sub>1</sub> \* \* \* 6 Mg." was false and misleading.

**DISPOSITION:** 6-18-58. Default—destruction.

**24945. Hadacol.** (F.D.C. No. 41697. S. No. 15-490 P.)

**QUANTITY:** 210 8-oz. btls. and 34 24-oz. btls. at Steubenville, Ohio.

**SHIPPED:** Prior to 1953, from Lafayette, La.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than the declared amounts of vitamin B<sub>1</sub> and vitamin B<sub>2</sub>.

LIBELED: 5-6-58, S. Dist. Ohio.

CHARGE: 402(b)(1)—valuable constituents, vitamin B<sub>1</sub> and vitamin B<sub>2</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "4 Tablespoonfuls \* \* \* Contain the Vitamins B<sub>1</sub> (Thiamin Hydrochloride) 6 Mg. B<sub>2</sub> (Riboflavin) 4 Mg." was false and misleading.

DISPOSITION: 6-12-58. Default—destruction.

24946. Gevrone. (F.D.C. No. 41696. S. No. 26-413 P.)

QUANTITY: 107 1-pt. btls. at Des Moines, Iowa.

SHIPPED: 7-22-55, from Memphis, Tenn.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than the declared amount of vitamin B<sub>1</sub>.

LIBELED: 5-6-58, S. Dist. Iowa.

CHARGE: 402(b)(1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statement "Each Fluid Ounce Contains Thiamine, HCL 5 Mg." was false and misleading.

DISPOSITION: 6-2-58. Default—destruction.

24947. Choc-Ola chocolate drink. (F.D.C. No. 41656. S. No. 14-983 P.)

QUANTITY: 17,964 6-oz. btls. at Bowling Green, Ky.

SHIPPED: 3-12-58, from Indianapolis, Ind., by Choc-Ola Bottling Co.

LABEL IN PART: (Btl. cap) "Choc-Ola The Chocolate Flavored Vitamin Drink With 315 Units Vitamin A \* \* \* Added."

LIBELED: 4-15-58, W. Dist. Ky.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, namely, vitamin A, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Chocolate Flavored Vitamin Drink With 315 Units Vitamin A \* \* \* Added" was false and misleading as applied to an article which contained little or no vitamin A.

DISPOSITION: 5-12-58. Consent—claimed by Choc-Ola Bottling Co. and relabeled.

## MISCELLANEOUS FOODS

24948. Brandied mincemeat. (F.D.C. No. 41382. S. No. 83-250 M.)

QUANTITY: 78 cases, 12 36-oz. jars each, at Lima, Ohio.

SHIPPED: Between 9-5-57 and 11-11-57, from Lowell, Mich., by L. W. Rutherford & Sons.

LABEL IN PART: (Jar) "Extra Dining Car Brandied Mincemeat."

RESULTS OF INVESTIGATION: Examination showed that the article contained little or no brandy.

LIBELED: 1-27-58, N. Dist. Ohio.

CHARGE: 403(a)—the label statement "Brandied Mincemeat" was false and misleading.

DISPOSITION: 3-13-58. Consent—delivered to local charitable institutions.



24949. Salicylic acid. (F.D.C. No. 40661. S. No. 57-425 M.)

QUANTITY: 1 110-lb. can containing 10 lbs. of the article and 5 doz. ctns. of the article which had been repackaged from the 110-lb. can, and 1,600 loose labels, at Atlanta, Ga., in possession of R. G. Dunwody & Sons, Inc.

SHIPPED: 7-18-57, from St. Louis, Mo.

LABEL IN PART: (Ctn.) "Salicylic Acid 4 Drams."

RESULTS OF INVESTIGATION: The cartons into which the article was repackaged were labeled by the consignee; and the loose labels, which were the same as the carton labels, were prepared by the consignee.

LIBELED: 9-26-57, N. Dist. Ga.

CHARGE: 403(a)—the statement "It is used by many persons for preserving catsups, jams, jellies, fruits, etc.," appearing in the labeling of the article, while held for sale, was misleading since the labeling of the article failed to reveal the material fact, in the light of such statement, that the article was a deleterious ingredient unsuitable for use in foods.

DISPOSITION: 11-7-57. Default—destruction.

24950. Chocolate-brown shade. (F.D.C. No. 41600. S. No. 37-888 P.)

QUANTITY: 1 55-gal. drum at St. Louis, Mo.

SHIPPED: 12-31-57, from Chicago, Ill., by Ed. Long Chemical Co.

LABEL IN PART: "Chocolate Brown Shade No. 200 \* \* \* A Vegetable Color With The Addition of U.S. Certified Color."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of caramel color and a certifiable coal-tar color, FD&C Red No. 2 (amaranth).

LIBELED: 2-26-58, E. Dist. Mo.

CHARGE: 402(c)—when shipped, the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations since the mixture of caramel and FD&C Red No. 2 (amaranth) had not been certified.

DISPOSITION: 3-24-58. Default—destruction.

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pomace, dried-----	24888	Chocolate-brown shade-----	24950
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## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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Co.:		wheat-----	24881
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	N.J. No.		N.J. No.
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ERRATA

F.N.J., F.D.C. 24751-24850, pp. 259, 260. N.J. Nos. 24793 and 24794 (alfalfa meal) should be listed under the heading FEEDS AND GRAINS.



32 Nf

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24951-25000

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, by consent, or after trial; (2) a criminal proceeding which was terminated upon a plea of guilty; and (3) injunction proceedings terminated upon the entry of a preliminary injunction by consent, or upon the entry of a permanent injunction by consent or after a hearing. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 24951-25000**

*Adulteration*, Section 402(a) (2), the article, in one case, contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406; and, in another case, the article was a raw agricultural commodity and contained a pesticide chemical which is unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 402(c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), words, statements, or other information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (1), the article purported to be and was represented as a food for which a standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

24951. Flour, bakery mixes, cornmeal, sugar, salt, and shortening. (Inj. No. 328.)

COMPLAINT FOR INJUNCTION FILED: 2-12-58, W. Dist. of Pa., against Schomaker Co., a partnership, Pittsburgh, Pa.



**CHARGE:** The complaint alleged that the defendant was engaged in the business of storing and selling various food products, such as flour, bakery mixes, cornmeal, sugar, salt, and shortening; that the defendant had been and was, at the time of filing of the complaint, receiving such articles which had been shipped in interstate commerce; and that the defendant had been and was placing and causing to be placed in a building infested with insects and rodents, and had been and was exposing and causing to be exposed to contamination by insects and rodents, such articles of food while they were held for sale after shipment in interstate commerce.

The complaint alleged further that the acts of placing and causing the foods to be placed in such building and of exposing and causing the foods to be exposed to such contamination, resulted in the foods being adulterated within the meaning of 402(a)(3) in that the foods consisted in part of insect and rodent filth; and within the meaning of 402(a)(4) in that the foods were held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged also that the insanitary conditions resulted from and consisted of an old building with loose walls; wide cracks between floor boards; openings along the wall approximately one foot wide, through which insects, rodents and larger animals could and did enter and leave the building at will; holes throughout the building; rodent excreta pellets throughout the building; spilled rodent-bait dishes in areas near stored food; spilled flour, mixed with dirt, rodent excreta pellets, and miscellaneous debris, along the wall ledges, and other similar insanitary conditions.

**DISPOSITION:** On 2-13-58, a temporary restraining order was issued, and on 3-7-58, a hearing was held on the question of issuing a permanent injunction. Thereafter, on 3-21-58, the court issued a decree of permanent injunction and its findings of fact and conclusions of law in support thereof. The decree enjoined the defendant (1) from doing or causing any act to be done with respect to any article of food while held for sale after shipment in interstate commerce, which act would result in the food being adulterated as alleged in the complaint, and (2) from placing or causing to be placed in its warehouse, any articles of food after shipment in interstate commerce, unless, and until, the warehouse was rendered suitable for the storage of food; an inspection was made by an authorized representative of the Department of Health, Education, and Welfare, and a report submitted showing that the insanitary conditions in the warehouse no longer existed, and the adulterated food being held in the defendant's warehouse, after shipment in interstate commerce, was removed from human food channels by destruction or otherwise.

**24952. Flour.** (F.D.C. No. 41597. S. No. 21-286 P.)

**QUANTITY:** 64 50-lb. bags at Kansas City, Kans., in possession of Lee Foods, Div. of Consolidated Foods Corp.

**SHIPPED:** 11-1-57 and 1-24-58, from St. Joseph, Mo.

**LIBELED:** 3-7-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-9-58. Default—consumption by animals.

**24953. Flour.** (F.D.C. No. 41782. S. No. 21-306 P.)

**QUANTITY:** 11 50-lb. bags, at Henryetta, Okla., in possession of Boerstler Bros.

**SHIPPED:** 3-11-58, from Salina, Kans.

**LIBELED:** 5-22-58, E. Dist. Okla.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-27-58. Consent—destruction.

**24954. Flour.** (F.D.C. No. 41537. S. No. 882 P.)

**QUANTITY:** 17 50-lb. bags at Griffin, Ga., in possession of Service Wholesale Co.

**SHIPPED:** 11-5-57, from Arkansas City, Kans.

**LIBELED:** 4-30-58, N. Dist. Ga.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 6-9-58. Default—destruction.

**24955. Flour.** (F.D.C. No. 41535. S. Nos. 6-834/5 P.)

**QUANTITY:** 30 25-lb. bags, and 30 100-lb. bags, at Adams, Mass., in possession of Butler Coal & Grain Co., Inc.

**SHIPPED:** Between 6-6-57 and 2-28-58, from Akron, Ohio, and Alton, Ill.

**LIBELED:** 4-28-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained rodent hairs and rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 6-16-58. Default—destruction.

**24956. Malted wheat flour.** (F.D.C. No. 41814. S. Nos. 39-868/9 P.)

**QUANTITY:** 951 100-lb. bags at San Francisco, Calif.

**SHIPPED:** Between 7-3-57 and 10-4-57, from Portland, Oreg.

**LIBELED:** 6-19-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects, insect parts, and insect webbing while held for sale.

**DISPOSITION:** 6-26-58. Consent—claimed by California Brewing Co., San Francisco, Calif., and denatured.

**24957. Flour.** (F.D.C. No. 41803. S. No. 29-730 P.)

**QUANTITY:** 127 25-lb. bags at Baton Rouge, La., in possession of Louisiana Specialty Co.

**SHIPPED:** 4-21-58, from Wichita Falls, Tex.

**LIBELED:** 6-11-58, E. Dist. La.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 7-16-58. Default—destruction.

**24958. Flour.** (F.D.C. No. 41835. S. No. 26-565 P.)

**QUANTITY:** 170 100-lb. bags at Wall Lake, Iowa, in possession of Brice Foods, Inc.



SHIPPED: 4-30-58, from Minneapolis, Minn.

LIBELED: 7-3-58, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-30-58. Consent—claimed by Brice Food, Div. of The Col-R-Corn Corp., Omaha, Nebr. Segregated; 71 bags denatured for use as animal feed.

### MISCELLANEOUS CEREALS\*

24959. Wheat. (Inj. No. 319.)

COMPLAINT FOR INJUNCTION FILED: 10-11-57, Dist. Kans., against Norris Grain Co., a corporation, Willis, Kans., and Raymond L. Hoar, elevator manager.

CHARGE: The complaint alleged that the defendants were engaged in storing and distributing wheat for human consumption, and that they had been and were causing to be introduced and delivered for introduction into interstate commerce, such wheat which was adulterated under 402(a)(4) by reason of the holding of the wheat under insanitary conditions.

The complaint alleged further that the insanitary conditions in the defendants' grain elevator, where the wheat was stored, resulted from and consisted of the storage of the wheat in bins open at the top to entry by rodents and birds; rodent excreta pellets in and on the wheat in the bins; live birds and bird droppings in the headhouse area; rodent excreta pellets on the ledges and floor of the elevator and in and around the equipment used in storing the wheat; the presence of large cracks in the walls and holes in the foundation, through which rodents could enter; open, unscreened doors permitting the entry of birds and rodents; and, old residues of dust and grain throughout the elevator.

The complaint alleged also that the defendants were well aware that their activities were violative of the law; that inspections were made of the defendants' grain elevator in 1952, 1953, and 1957, at which times they were informed of the insanitary conditions; and, that despite such warnings, the defendants failed to correct the insanitary conditions in the grain elevator and continued to introduce adulterated wheat for human consumption into interstate commerce, as indicated above.

DISPOSITION: On 10-11-57, the court entered a temporary order restraining the defendants against the acts complained of.

On 10-18-57, the defendants having consented, the court entered a permanent injunction enjoining the defendants against causing wheat for human consumption, or any similar article of food for human consumption, to be introduced and delivered for introduction into interstate commerce, unless and until:

(a) the elevator was thoroughly cleaned, renovated, and rendered suitable for the storage of such food by eliminating the above-enumerated insanitary conditions and any similar insanitary conditions which may result in the contamination of such food:

(b) all of the wheat for human consumption on hand in the elevator at the time it was cleaned, renovated, and rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal food, or

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\*See also No. 24951.

cleaned and otherwise reconditioned under the supervision of the Food and Drug Administration; and

(c) an inspection was made of the grain elevator by the Food and Drug Administration, and a report made to the court that the above-mentioned insanitary conditions no longer existed, and that the wheat for human consumption had been destroyed, denatured, or brought into compliance with the law.

On 7-7-58, the court entered an order modifying the injunction to permit the defendants to ship wheat in interstate commerce from the elevator, in view of the fact that the defendants had remedied the insanitary conditions existing there at the time of the entering of the permanent injunction.

**24960. Wheat, rye, and corn.** (F.D.C. No. 41293. S. Nos. 61-400 M, 76-401/2 M.)

QUANTITY: 68 100-lb. bags of wheat, 7 100-lb. bags of rye, and 13 100-lb. bags of corn at Milford, Conn., in possession of Rose Mill, Inc.

SHIPPED: Between 8-20-57 and 10-10-57, from Buffalo and Claverack, N.Y., and elsewhere outside the State of Connecticut.

LIBELED: 12-17-57, Dist. Conn.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-4-58. Consent—claimed by Rose Mill, Inc., and converted into stock feed.

**24961. Wheat.** (F.D.C. No. 41622. S. No. 26-703 P.)

QUANTITY: 81,600 lbs., at Minneapolis, Minn.

SHIPPED: 2-21-58, from Kulm, N. Dak., by Farmers Co-op Elevator Co.

LIBELED: 3-12-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 3-27-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 3,410 lbs. converted into animal feed.

**24962. Wheat.** (F.D.C. No. 41790. S. No. 40-899 P.)

QUANTITY: 121,800 lbs., at Spokane, Wash.

SHIPPED: 5-7-58, from Billings, Mont., by Farmers Union Grain Terminal Association.

LIBELED: 5-28-58, E. Dist. Wash.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 6-17-58. Consent—claimed by Farmers Union Grain Terminal Association and denatured for use as seed wheat.

**24963. Wheat.** (F.D.C. No. 41801. S. No. 41-572 P.)

QUANTITY: 115,200 lbs. at Astoria, Oreg.

SHIPPED: 5-22-58, from Hartline, Wash., by Almira Farmer's Warehouse Co.

LIBELED: 6-11-58, Dist. Oreg.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.



DISPOSITION: 6-27-58. Consent—claimed by Almira Farmer's Warehouse Co. and converted into animal feed.

**24964. Wheat.** (F.D.C. No. 41819. S. No. 25-653 P.)

QUANTITY: 50,340 lbs. at Brandon, Minn.

SHIPPED: 6-11-58, from Garden City, S. Dak., by Farmer's Mercantile & Elevator Co.

LIBELED: 6-23-58, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 6-27-58. Consent—claimed by Farmer's Mercantile & Elevator Co. Segregated; 6,000 lbs. ground for use as animal feed.

**24965. Wheat.** (F.D.C. No. 41820. S. No. 25-948 P.)

QUANTITY: 700 bushels at Superior, Wis.

SHIPPED: 6-12-58, from Stephen, Minn., by Stephen Farmer's Cooperative Elevator Co.

LIBELED: 6-23-58, W. Dist. Wis.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 7-21-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. The article was commingled with the lot reported in F.N.J. No. 24966 for purposes of segregation operations. As a result of the segregation operations, 2,300 lbs. of the commingled lot were denatured for use as animal feed.

**24966. Wheat.** (F.D.C. No. 42042. S. No. 26-040 P.)

QUANTITY: 39,280 lbs. at Superior, Wis.

SHIPPED: 6-26-58, from Washburn, N. Dak., by H. C. Scott Elevator Co.

LIBELED: 7-9-58, W. Dist. Wis.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 8-1-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. The article was commingled with the lot reported in F.N.J. No. 24965 for purposes of segregation operations. As a result of the segregation operations, 2,300 lbs. of the commingled lot were denatured for use as animal feed.

**24967. Rice, dried lima beans, and dried kidney beans.** (F.D.C. No. 41327. S. Nos. 77-515 M, 77-517/8 M.)

QUANTITY: 27 100-lb. bags of rice, 4 100-lb. bags of dried lima beans, and 2 100-lb. bags of dried kidney beans, at Valdosta, Ga., in possession of Dixie Lake Milling Co., Inc.

SHIPPED: 11-12-57 and 11-18-57, from Stuttgart, Ark., and Jacksonville, Fla.

LIBELED: 1-10-58, M. Dist. Ga.

CHARGE: 402(a) (3)—the rice and lima beans contained rodent urine and rodent pellets and, in addition, the lima beans contained rodent hairs; 402(a) (4)—the rice, lima beans, and kidney beans were held under insanitary conditions.

DISPOSITION: 3-6-58. Default—destruction.

**24968. Rice.** (F.D.C. No. 41595. S. No. 26-405 P.)

**QUANTITY:** 255 100-lb. bags at Des Moines, Iowa, in possession of Keck Motor Service.

**SHIPPED:** Between 11-8-57 and 1-2-58, from Houston, Tex.

**LIBELED:** On or about 2-26-58, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—stored under insanitary conditions.

**DISPOSITION:** 3-10-58. Consent—claimed by the Iowa Board of Social Welfare, Des Moines, Iowa. Segregated; 3,424 lbs. denatured.

**24969. Rice.** (F.D.C. No. 41475. S. Nos. 870/1 P.)

**QUANTITY:** 85 bales, 30 2-lb. bags each, at Baxley, Ga., in possession of Tollison-Lynn Co.

**SHIPPED:** 10-2-57 and 10-7-57, from Houston, Tex., and Mobile, Ala.

**LIBELED:** 3-19-58, S. Dist. Ga.

**CHARGE:** 402(a)(3)—contained rodent hairs and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-24-58. Consent—claimed by Tollison-Lynn Co. Segregated; 627 2-lb. bags denatured for use as animal feed.

## CHOCOLATE PRODUCTS, CONFECTIONERY, AND SIRUP\*

**24970. Cocoa.** (F.D.C. No. 41689. S. No. 23-442 P.)

**QUANTITY:** 40 125-lb. bags at Torrance, Calif., in possession of Farmer Brothers Coffee Co.

**SHIPPED:** Between 10-25-57 and 12-16-57, from Hershey, Pa.

**LIBELED:** 5-2-58, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained rodent hairs and rodent pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 6-12-58. Consent—claimed by Farmer Brothers Co. Reconditioning was unsuccessful and the article was destroyed.

**24971. Chocolate-flavored sirup.** (F.D.C. No. 41783. S. No. 11-704 P.)

**QUANTITY:** 9 5-gal. pails at Flint, Mich.

**SHIPPED:** 3-27-58, from New Castle, Ind., by Bradway Chocolate Co.

**LABEL IN PART:** "Bradway Non-Settling Dairy Drink \* \* \* Chocolate Flavored Syrup Ingredients: Sugar, Water, Cocoa, Chocolate, Tapioca, Carrageen, Salt and Artificial Flavoring."

**LIBELED:** 5-22-58, E. Dist. Mich.

**CHARGE:** 402(a)(2)—when shipped, contained an added poisonous or deleterious substance, namely, coumarin, which is unsafe within the meaning of 406 since it is a substance not required in the production of the article and can be avoided by good manufacturing practices; and 403(a)—the label statement "Ingredients: \* \* \* Tapioca" was false and misleading as applied to an article which contained no tapioca.

**DISPOSITION:** 8-14-58. Default—destruction.

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\*See also No. 24951.



**24972. Chocolate-covered peanuts.** (F.D.C. No. 41845. S. No. 39-841 P.)

**QUANTITY:** 68 cases, 120  $\frac{3}{4}$ -oz. bags each, at San Francisco, Calif., in possession of Planters Nut & Chocolate Co.

**SHIPPED:** In 1957 and 1958, peanuts were shipped from Virginia, North Carolina, Texas, and Oklahoma.

**LABEL IN PART:** (Case) "Cello Item No. 27 Chocolate Peanuts"; (bag) "Planters Chocolate Peanuts."

**RESULTS OF INVESTIGATION:** The above-mentioned peanuts were used in the manufacture of the seized article.

**LIBELED:** 5-29-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects and rodent hair while held for sale; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 6-20-58. Default—destruction.

**24973. Sorghum sirup.** (F.D.C. No. 41695. S. No. 36-686 P.)

**QUANTITY:** 46 cases, 12 4 $\frac{1}{2}$ -lb. cans each, at St. Louis, Mo.

**SHIPPED:** 4-14-58, from Olmstead, Ill., by Jack Anderson.

**LABEL IN PART:** (Can) "Good Old Country Sorghum Made From Pure Cane Juice \* \* \* 100 Per Cent Pure."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately one-half sorghum sirup; the remainder was invert sugar sirup.

**LIBELED:** 5-5-58, E. Dist. Mo.

**CHARGE:** 402(b)(2)—when shipped, invert sugar sirup had been substituted in part for sorghum sirup; and 403(a)—the label statement "Country Sorghum \* \* \* 100 Per Cent Pure" was false and misleading.

**DISPOSITION:** 7-2-58. Default—delivered to a charitable institution.

## EGGS

**24974. Frozen eggs (2 seizure actions).** (F.D.C. Nos. 41644, 41645. S. Nos. 9-022/3 P.)

**QUANTITY:** 81 30-lb. cans and 55 30-lb. cans at Pittsburgh, Pa.

**SHIPPED:** Between 1-8-58 and 2-12-58 (81 cans), from Somerset, Ohio, by Southeast Ohio Egg Producers; and between 1-10-58 and 2-7-58 (55 cans), from Wooster, Ohio, by Wooster Coop. Poultry Association.

**LIBELED:** 3-28-58, W. Dist. Pa.

**CHARGE:** 402(a)(3)—contained decomposed eggs when shipped.

**DISPOSITION:** 6-20-58. Consent—claimed by Federated Egg & Poultry Sales Co., Pittsburgh, Pa. Segregated; 17 cans denatured.

## FISH AND SHELLFISH

**24975. Canned mackerel.** (F.D.C. No. 37296. S. No. 60-738 L.)

**QUANTITY:** 1,000 cases, 48 15-oz. cans each, at Jacksonville, Fla.

**SHIPPED:** 4-24-54, from Hamburg, Germany.

**LIBELED:** 10-11-54, S. Dist. Fla.

**CHARGE:** 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: T. W. Holt & Co. appeared as claimant and filed an answer denying that the article was adulterated. On 7-28-55, the case came on for trial before the court without a jury and at its conclusion, the court returned a verdict for the Government. On 8-3-55, the court entered a decree of condemnation and ordered that the product be destroyed.

**24976. Frozen whiting.** (F.D.C. No. 41673. S. No. 27-812 P.)

QUANTITY: 39 cases, 5 10-lb. boxes each, at Dallas, Tex.

SHIPPED: 10-29-57, from Chicago, Ill., by Booth Fisheries Corp.

LABEL IN PART: (Box) "BB & W Quick Frozen HD Whiting—Packed by Baker, Boies & Watson, \* \* \* Boston."

LIBELED: 5-5-58, N. Dist. Tex.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-9-58. Default—consumption by animals.

**24977. Canned tuna.** (F.D.C. No. 41541. S. No. 6-836 P.)

QUANTITY: 16 cases, 100 3½-oz. cans each, at Adams, Mass.

SHIPPED: Prior to 1954, from Terminal Island, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 5-1-58, Dist. Mass.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 6-9-58. Default—destruction.

**24978. Frozen haddock fillets (2 seizure actions).** (F.D.C. Nos. 41561, 41572. S. Nos. 6-751/4 P.)

QUANTITY: 39 cases, 5 10-lb. ctns. each, 33 cases, 10 5-lb. ctns. each, and 184 5-lb. ctns., at Boston, Mass.

SHIPPED: The fillets were from fish caught in the Atlantic Ocean by the fishing vessels "Red Jacket" and "Flying Cloud" and unloaded at Boston, Mass., on 4-29-58.

LABEL IN PART: (Ctn.) "Taste O'Sea \* \* \* Haddock Fillets Dist. by O'Donnell-Usen Fisheries Corp., Fish Pier, Boston, Mass."; (wrapper) "Taste O'Sea Quick Frozen Haddock \* \* \* To Be Weighed When Sold" or "Taste O'Sea Quick Frozen Haddock \* \* \* O'Donnell-Usen Fisheries Corp. Fish Pier Boston To Be Weighed When Sold."

LIBELED: 5-14-58 and 5-23-58, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-10-58. Consent—claimed by Columbia Seafood, Inc., Boston, Mass. Segregated; 235 lbs. destroyed.

**24979. Frozen haddock fillets.** (F.D.C. No. 41552. S. No. 6-745 P.)

QUANTITY: 9 cases, 10 5-lb. ctns. each, at Boston, Mass.

SHIPPED: The fillets were from fish caught by the fishing vessels "Comet" and "Phantom" in the Atlantic Ocean outside the limits of Massachusetts, on or about 4-22-58.

LABEL IN PART: (Ctn.) "North Atlantic Quick Frozen Fillets"; (case) "North Atlantic Skless Haddock Fillets."

LIBELED: 5-8-58, Dist. Mass.



CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-16-58. Default—destruction.

**24980. Frozen whiting.** (F.D.C. No. 41540. S. No. 2-622 P.)

QUANTITY: 69 cases, 5 10-lb. pkgs. each, at Charlotte, N.C.

SHIPPED: 2-27-58, from Greenville, S.C. This was a return shipment.

LIBELED: 5-2-58, W. Dist. N.C.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-23-58. Default—destruction.

**24981. Frozen rosefish fillets.** (F.D.C. No. 41549. S. No. 6-747 P.)

QUANTITY: 97 10-lb. ctns. at Boston, Mass.

SHIPPED: The fillets were prepared and packed from fish caught by the fishing vessel "Ethelena" in the Atlantic Ocean outside the limits of Massachusetts and landed at Boston, Mass., on 4-24-58.

LABEL IN PART: (Ctn.) "19594 Rec'd 4-24-8"; (cellophane wrapper) "Georges Bank \* \* \* Rosefish Fillets."

LIBELED: 5-7-58, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 6-23-58. Default—destruction.

**24982. Oysters.** (Inj. No. 305.)

COMPLAINT FOR INJUNCTION FILED: 10-12-56, Dist. Md., against the Oxford Packing Co., Inc., Oxford, Md.

CHARGE: The complaint alleged that the defendant was engaged in the business of processing, preparing, packing into hermetically sealed or friction-top cans, and selling and distributing raw oysters; and that the defendant had been introducing and delivering for introduction into interstate commerce, oysters which were adulterated within the meaning of 402(b)(2) in that water had been substituted in part for oysters, and 402(b)(4) in that water had been added, mixed, and packed with the oysters so as to increase their bulk and reduce their quality.

The complaint alleged also that the oysters purported to be and were represented as shucked oysters, a food for which definitions and standards of identity have been prescribed; that such definitions and standards provided that oysters should be shucked, washed, and drained prior to packing in such a manner that not over 5 percent of drained liquid would be found in the oysters within 15 minutes after packing; that extensive experimental packs of authentic oysters established that oysters packed in conformity with the standards would not exceed the 5 percent limit of drained liquid; that specific shipping experiments showed that legally packed oysters would not subsequently release liquid and that there would be no increase in the drained liquid contents of the cans of oysters with the passage of time after packing; that samples collected from interstate shipments made by the defendant, upon analysis, disclosed the presence of amounts of liquid greatly in excess of 5 percent; that such analytical findings established that the defendant's oysters were adulterated by the addition of water which could have been added by (1) excessive soaking of the oysters in fresh water to the extent that the oysters absorbed a large quantity of water, (2) the addition of water to the cans of oysters at the time of packing, (3) inadequate draining of the oysters after washing so that a sig-



nificant portion of the wash water was retained and packed into the cans with the oysters, or (4) a combination of the above factors.

The complaint alleged further that since the time the defendant commenced business in 1952 the Food and Drug Administration had examined samples from 41 interstate shipments of the firm's oysters; that 20 of these shipments (48 percent) were found to contain drained liquid in excess of that permitted by the standards; that 9 of the sampled lots were seized in possession of the consignees, and that in these lots as much as 13.3 percent of free liquid was found with the average of the 9 samples being 10.08 percent; that the average of the solids found in the samples of the lots seized was 10.11 percent while the average solids of 6 authentic packs made of the firm's plant by Food and Drug Inspectors (oysters observed being prepared, shucked, and then washed and drained as specified in the standards) during the oyster seasons 1952, 1953, 1954, and 1956 was 14.14 percent; and that the difference between the solids content of the authentic packs and the solids content of the sampled lots indicated that the latter contained added water.

It was alleged also that the defendant was well aware that its activities resulted in violations of the law; and that repeated warnings given to the management during factory inspections, during the preparation of authentic packs, and at administrative hearings resulting from seizures and violative shipments encountered, had brought about a practice of packing "according to the book" only when Food and Drug Inspectors were present at the plant.

**DISPOSITION:** 1-18-57. The defendant having consented, the court entered a preliminary injunction enjoining and restraining the defendant (until the complaint filed by the Government was dismissed by the Government or set aside by the court upon hearing the complaint for permanent injunction) from causing to be introduced and delivering for introduction into interstate commerce, raw oysters or any other such articles of food which are packed in such manner that over 5 percent of drained liquid is found in the oysters at any time after 15 minutes after packing and are thus adulterated within the meaning of 402(b) (2) and (4).

## FRUITS AND VEGETABLES

### CANNED FRUIT\*

**24983. Maraschino cherries, cocktail cherries, and glace cherries (4 seizure actions).** (F.D.C. Nos. 41255, 41342, 41346, 41380. S. Nos. 44-575 M, 64-564/5 M, 65-618 M, 88-225 M.)

**QUANTITY:** 5 cases, 4 1-gal. cans each, of maraschino cherries and 4 cases, 4 1-gal. cans each, of cocktail cherries at Albany, N.Y.; 9 barrels of maraschino cherries at Buffalo, N.Y.; 2 barrels of maraschino cherries at St. Louis, Mo.; and, 25 35-lb. cans of glace cherries at North East, Pa.

**SHIPPED:** Between 11-20-57 and 12-19-57, from North East, Pa., by Ohio Fruit Products, Inc. to Albany, and Buffalo, N.Y., Cleveland, Ohio, and St. Louis, Mo. On 12-10-57, the Cleveland shipment was returned to North East, Pa.

**LABEL IN PART:** (Cases) "Whole Maraschino Cherries" and "Cocktail Cherries"; (bbls.) "Whole Maraschino Cherries" and "Non-bleeding Maraschino Cherries"; (35-lb. cans) "Garden of Eden Whole and Broken Glace Cherries."

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\*See also No. 24990.



**LIBELED:** 1-2-58, N. Dist. N.Y.; 1-9-58, W. Dist. N.Y. and W. Dist. Pa.; and 1-23-58, E. Dist. Mo.

**CHARGE:** 402(a) (3)—contained insects, insect parts, fly eggs, and rodent hairs when shipped; and 402(a) (4)—the glace cherries, and the cherries at Albany, N.Y., had been prepared under insanitary conditions.

**DISPOSITION:** On 3-18-58, the libel actions in the N. Dist. N.Y., W. Dist. N.Y., and E. Dist. Mo., were ordered removed and consolidated with the action in the W. Dist. Pa. On 5-21-58, the Ohio Fruit Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the cherries were ordered released under bond for segregation of the unfit portions. Thereafter, 25 ga's. of maraschino cherries, 189 lbs. of glace cherries, and 4½ gals. of cocktail cherries were segregated as unfit and destroyed.

### MISCELLANEOUS FRUIT PRODUCTS

**24984. Canned lemon juice, canned grape juice, and canned orange juice.** (F.D.C. No. 40470. S. Nos. 32-905 M, 57-904/5 M, 78-414/5 M.)

**INFORMATION FILED:** 1-15-58, W. Dist. Mo., against Research Laboratories, Inc., d/b/a Dubl-Rich Products Co., St. Joseph, Mo., Darwin F. Aldrich, production manager, and W. C. Pollard, sales manager.

**SHIPPED:** On 1-9-57 and 5-13-57, from Missouri to Colorado, Florida, and Kansas.

**LABEL IN PART:** (Btl) "dubl-rich brand processed California lemon juice 12 fluid ounces made from the juice of sun ripened California lemons . . . high in Vitamin C!" or "dubl-rich brand sweetened concord grape juice one gallon dubl-rich brand is a sweetened grape juice made from the juice of pure sunripened Concord Grapes. For a delicious Grape Drink, Use One Part dubl-rich Brand Grape Juice to Five Parts Water. No Sugar Necessary" or "dubl-rich brand California orange juice (sweetened) dubl-rich brand is a sweetened orange juice concentrate made from the juice of pure sun ripened California Oranges. For a Delicious Orange Drink, Use One Part dubl-rich Brand Orange Juice To Five Parts Water. No Sugar Necessary."

**RESULTS OF INVESTIGATION:** Analysis showed that the "lemon juice" consisted of a mixture of citric acid, artificial color, and from 5 to 10 percent lemon juice, and contained little or no vitamin C; that the "grape juice" consisted of a mixture of citric acid, artificial color, artificial flavor, and 2 percent grapejuice; and, that the "orange juice" consisted of a mixture of citric acid, artificial color, artificial flavor, and 25 percent orange juice.

**CHARGE:** Lemon juice. 402(b) (1)—when shipped, valuable constituents of the article, namely, lemon juice and vitamin C, had been in part omitted; and 402(b) (2)—a substance consisting of a mixture of citric acid, artificial color, and 5 to 10 percent lemon juice had been substituted for lemon juice.

Grapejuice. 402(b) (1)—when shipped, a valuable constituent of the article, namely, grapejuice, had been in part omitted; and 402(b) (2)—a substance consisting of a mixture of citric acid, artificial flavor, artificial color, and 2 percent grapejuice had been substituted for grapejuice.

Orange juice. 402(b) (1)—when shipped, a valuable constituent of the article, namely, orange juice, had been in part omitted; and 402(b) (2)—a

substance consisting of a mixture of citric acid, artificial color, artificial flavor, and 25 percent orange juice had been substituted for orange juice.

PLEA: Guilty.

DISPOSITION: 9-5-58. Defendants jointly fined \$400, plus costs.

### VEGETABLES\*

**24985. Dried pinto beans, dried red beans, and dried peas.** (F.D.C. No. 40591. S. Nos. 57-640/42 M.)

QUANTITY: 104 100-lb. bags of dried pinto beans, 65 100-lb. bags of small dried red beans, and 408 100-lb. bags of dried peas, at Seffner, Fla., in possession of Northwestern Canning & Packing Co.

SHIPPED: Between 3-18-57 and 3-19-57, from North Kansas City, Mo., and Spokane, Wash.

LIBELED: 8-26-57, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-19-57. Consent—claimed by Northwestern Canning & Packing Co. The beans were washed. The filth- and insect-contaminated beans were removed and destroyed, and the good beans were canned and marketed.

### TOMATO PRODUCTS

**24986. Tomato juice.** (F.D.C. No. 41494. S. No. 35-548 P.)

QUANTITY: 21 cases, 6 6-lb. 9-oz. cans each, at Philadelphia, Pa.

SHIPPED: 10-25-57, from Cedarville, N.J., by Central Canning Co.

LABEL IN PART: (Can) "Juice McCandless Jersey Tomato."

LIBELED: 4-9-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

DISPOSITION: 5-13-58. Default—destruction.

**24987. Canned tomato sauce.** (F.D.C. No. 41544. S. No. 35-445 P.)

QUANTITY: 44 cases, 72 8-oz. unlabeled cans each, at Philadelphia, Pa.

SHIPPED: During 1956 or 1957, from Swedesboro, N.J., by California Packing Corp.

LABEL IN PART: (Case) "Tins Sundry Dented Tomato Sauce."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 5-5-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale; and 403(e) the article, when shipped, failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents.

DISPOSITION: 6-4-58. Default—destruction.

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\*See also Nos. 24967, 24990.



**24988. Canned tomato paste.** (F.D.C. No. 41350. S. No. 86-195 M.)

QUANTITY: 898 cases, each containing 6 7-lb. 14-oz. cans, at Kansas City, Mo.

SHIPPED: 10-31-55, from Stockton, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: On or about 1-16-58, W. Dist. Mo.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 6-5-58. Default—destruction.

**24989. Canned tomato paste.** (F.D.C. No. 41795. S. No. 15-893 P.)

QUANTITY: 14,622 unlabeled #10 cans at Columbus, Ohio.

SHIPPED: 2-26-57, from Martinez, Calif., by Martinez Food Cannery.

LIBELED: 6-3-58, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained insects, insect parts, and fly eggs when shipped.

DISPOSITION: 7-8-58. Default—destruction.

**24990. Canned tomato catsup, canned pineapple tidbits, canned pork with barbecue sauce, canned wieners with barbecue sauce, and canned sauerkraut.** (F.D.C. No. 41878. S. Nos. 3-110/4 P.)

QUANTITY: 57 cases, 6 7-lb. cans each, of tomato catsup; 12 cases, 48 1-lb. cans each, of pineapple tidbits; 2 cases, 24 12-oz. cans each, of pork with barbecue sauce; 8 cases, 24 11-oz. cans each, of wieners with barbecue sauce; and 23 cases, 24 #2½ cans each, of sauerkraut at Buckhannon, W. Va.

SHIPPED: Prior to 5-29-55, from Fullerton and San Francisco, Calif., Chicago, Ill., and Cambridge Springs, Pa.

RESULTS OF INVESTIGATION: Examination showed that the articles were undergoing chemical decomposition.

LIBELED: 6-23-58, N. Dist. W. Va.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 7-31-58. Default—destruction.

## OILS AND FATS\*

**24991. Table annd cooking oil.** (F.D.C. No. 41704. S. No. 20-591 P.)

QUANTITY: 56 1-gal. cans at Kansas City, Mo.

SHIPPED: 4-7-58, from Chicago, Ill., by Old Monk Co.

LABEL IN PART: (Can) "Olivette Brand \* \* \* Salad Oil A Special Blend of 30% Olive Oil With Refined Vegetable Oil"; (sticker) "Special Blend of 10% Olive Oil."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of vegetable oils with little or no olive oil.

LIBELED: On or about 5-15-58, W. Dist. Mo.

CHARGE: 402(b) (2)—when shipped, a mixture of vegetable oils with little or no olive oil had been substituted for a blend of vegetable oils and olive oil; and 403(a)—the label statements "Special Blend of 30% Olive Oil" and "10% Olive Oil" were false and misleading.

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\*See also No. 24951.

DISPOSITION: 6-25-58. Default—delivered to a charitable institution for consumption, and not for sale.

**24992. Table and cooking oil.** (F.D.C. No. 41664. S. Nos. 21-108 P, 21-110 P.)

QUANTITY: 9 cases, 6 cans each, at Kansas City, Mo.

SHIPPED: 11-5-57, from Chicago, Ill., by Columbus Packing Co.

LABEL IN PART: (Can) "Net Contents One Gallon Columbus Brand A Compound Oil \* \* \* Blend of 90% Corn Oil and 10% Virgin Olive Oil."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of olive oil and cottonseed oil and was short volume, averaging a 2.23 percent shortage.

LIBELED: 4-16-58, W. Dist. Mo.

CHARGE: 403(a)—when shipped, the label statement, namely, "Blend of 90% Corn Oil and 10% Virgin Olive Oil" was false and misleading; 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i)(2)—the label on the article failed to bear the common or usual name of each ingredient.

DISPOSITION: 6-17-58. Default—delivered to a charitable institution for its use, and not for sale.

**24993. Table and cooking oil.** (F.D.C. No. 41531. S. No. 7-211 P.)

QUANTITY: 239 1-gal. cans, at South Boston, Mass., in possession of Roma Packing Co., Inc.

SHIPPED: Corn oil was shipped prior to 11-5-57, from East Rochester, N.Y.

LABEL IN PART: (Can) "Casa Mia Brand 80% \* \* \* Vegetable Oil 20% Pure Olive Oil."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of cottonseed and corn oils with little or no olive oil, and that the corn oil, which was shipped as described above, was used by the Roma Packing Co., Inc. in the manufacture of the article.

LIBELED: 4-23-58, Dist. Mass.

CHARGE: 402(b)(1)—the valuable constituent, olive oil, had been in part omitted from the article while held for sale; 402(b)(2)—cottonseed and corn oils had been substituted in whole or in part for olive oil; 403(a)—the label statement "20% Pure Olive Oil" was false and misleading; and 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 5-16-58. Consent—claimed by Roma Packing Co., Inc. and relabeled.

## SPICES, FLAVORS, AND SEASONING MATERIALS\*

**24994. Sesame seed and unshelled peanuts (3 seizure actions).** (F.D.C. No. 41550. S. Nos. 21-298/9 P, 21-301 P.)

QUANTITY: 2 100-lb. bags of sesame seed and 48 115-lb. bags of unshelled peanuts at Kansas City, Mo., in possession of S. W. Noggle Co.

SHIPPED: Sesame seed, prior to 2-17-58, from outside the United States; and unshelled peanuts, 11-15-57 and 1-17-58, from Franklin, Va., and Brady, Tex.

LIBELED: 5-12-58, W. Dist. Mo.

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\*See also No. 24951.



CHARGE: 402(a)(3)—sesame seed contained rodent urine and rodent pellets; and 402(a)(4)—all lots held under insanitary conditions.

DISPOSITION: 6-12-58. Default—consumption by animals.

**24995. Poppyseed.** (F.D.C. No. 41850. S. No. 7-641 P.)

QUANTITY: 7 110-lb. bags at Stamford, Conn., in possession of Karp Bros. Bakery.

SHIPPED: 1-27-58, from Brooklyn, N.Y.

LIBELED: 6-5-58, Dist. Conn.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-11-58. Default—destruction.

**24996. French dressing and barbecue sauce.** (F.D.C. No. 41889. S. Nos. 21-945/6 P.)

QUANTITY: 14½ cases, 4 jars each, of French dressing and 17 cases, 4 jars each, of barbecue sauce, at Kansas City, Mo.

SHIPPED: Between 6-17-58 and 6-19-58, from Kansas City, Kans., by Lady Baltimore.

LABEL IN PART: (Jar) "Lady Baltimore French Dressing \* \* \* Ingredients: Vegetable Oil, Vinegar, Sugar, Paprika, Salt, Spices, and Gum Tragacanth. One Gallon" or "Lady Baltimore Barbecue Sauce \* \* \* Ingredients: Sugar, Dextrose, Salt, Vinegar, Tomato Puree, Spices, Liquid Smoke. One Gallon. Sodium Benzoate added as a preservative."

RESULTS OF INVESTIGATION: Examination showed the articles were short volume, the average shortage being (French dressing) 2.9 percent and (barbecue sauce) 3.4 percent. The French dressing contained less than 35 percent by weight of vegetable oil.

LIBELED: On or about 7-2-58, W. Dist. Mo.

CHARGE: French dressing. 402(b)(1)—the valuable constituent, vegetable oil, had been in part omitted or abstracted from the article when shipped; 402(b)(2)—a product other than French dressing had been substituted for French dressing which the article was represented to be; 403(e)(2)—the article failed to bear an accurate statement of the quantity of contents; 403(f)—the firm's address and the declaration of the optional emulsifying ingredient, gum tragacanth, appearing on the label of the article, were not prominently placed thereon with such conspicuousness, as compared with other statements in the labeling, as to render such statements likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the type used was so small as to be hardly discernible; and 403(g)(1)—the article failed to conform to the definition and standard of identity for French dressing since the article contained less than 35 percent by weight of vegetable oil.

Barbecue sauce. 403(e)(2)—the article failed to bear an accurate statement of the quantity of contents when shipped; and 403(f)—the firm's address, the statement of ingredients, and the declaration of sodium benzoate as a preservative, appearing on the label of the article, were not prominently placed thereon with such conspicuousness, as compared with other statements

in the labeling, as to render such statements likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the type used was so small as to be hardly discernible.

DISPOSITION: 8-26-58. Default—delivered to a local institution for charitable purposes, and not for sale.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

24997. Vitamin tablets. (F.D.C. No. 41521. S. No. 13-170 P.)

QUANTITY: 354 100-tablet btls. at Crown Point, Ind.

SHIPPED: 12-12-57, from Chicago, Ill., by Standard Pharmacal Co.

LABEL IN PART: "VITA-MINS Each three tablets contain: Vit. A 4000 U Vit. D 400 U Vit. B-1 1 mg. Vit. B-2 1.5 mg. Vit. B-6 0.5 mg. Vit. B-12 0.05 mg. Vit. C 50 mg. D-Calcium Pantothenate 0.5 mg. Niacinamide 10 mg. Calcium Carbonate 1406 mg. Folic Acid 0.05 mg. Ferrous Sulfate \* \* \* 150 mg. Copper \* \* \* 1.125 mg. Cobalt \* \* \* 0.225 mg. Molybdenum \* \* \* 0.075 mg. Iodine \* \* \* 0.113 mg. Fluorine \* \* \* 0.075 mg. Manganese \* \* \* 2.25 mg. Zinc \* \* \* 0.25 mg. Dose: 1 to 3 tablets daily as a prenatal or nutritional supplement."

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than the declared amount of vitamin B<sub>12</sub>.

LIBELED: 4-17-58, N. Dist. Ind.

CHARGE: 402(b)(1)—the valuable constituent, vitamin B<sub>12</sub>, had been in part omitted or abstracted from the article when shipped; 403(a)—the label statement "Vit. B-12 0.05 mg." was false and misleading; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirements of the vitamins and minerals supplied by a specified quantity of the product when consumed during a period of 1 day.

DISPOSITION: 6-9-58. Default—destruction.

24998. Vitamin and mineral tablets. (F.D.C. No. 41884. S. Nos. 30-711 P, 30-713 P.)

QUANTITY: 1 79,600-tablet drum of Serite tablets at Bayonne, N.J., in possession of Eastern Pharmaceutical Co., and 2 drums, 40,750 tablets total, of Joe Weider vitamin-mineral tablets at Bayonne, N.J., in possession of Todd Dickson Pharmaceuticals, Inc.

SHIPPED: 3-4-57 and 7-22-57, from Floral Park, and Hempstead, N.Y.

LABEL IN PART: (Btl.) "SERITE \* \* \* J. W. Sears New York, New York. Each two tablets contain: B-1 \* \* \* 10 mg. \* \* \* Vitamin C \* \* \* 150 mg." and "Joe Weider hi-potency Vitamin-Mineral Tablets Distributed by Weider Food Supplements, 16 Hopkins Avenue, Jersey City, N.J. \* \* \* Each Three Tablets contains: Vitamins: Vit. A 5000 USP Units, Vit. D 500 USP Units."

RESULTS OF INVESTIGATION: The consignees intended to repack the tablets into bottles labeled as described above. Examination showed that the articles contained less than the stated amounts of vitamin B<sub>1</sub> (Serite), vitamin A (Joe Weider Vitamin-Mineral Tablets), and vitamin C (both articles).



**LIBELED:** 6-26-58, Dist. N.J.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituents of the articles, namely, vitamin B<sub>1</sub> (Serite), vitamin A (Joe Weider Vitamin-Mineral Tablets) and vitamin C (both articles) had been in part omitted; and 403 (a)—the label statements (Serite) “Each two tablets contain: B-1 \* \* \* 10 mg. \* \* \* Vit. C \* \* \* 150 mg.” and (Joe Weider Vitamin-Mineral Tablets) “Each three tablets contains: Vitamins: Vit. A 5000 USP Units; Vit. D, 500 USP Units” were false and misleading.

**DISPOSITION:** 7-22-58. Default—destruction.

**24999. Baby formula.** (F.D.C. No. 41675. S. No. 41-748 P.)

**QUANTITY:** 58 cases, each containing 12 32-oz. cans, at Lewiston, Idaho.

**SHIPPED:** 1-6-58, from Moses Lake, Wash., by Morning Sun Dairy, Inc.

**LABEL IN PART:** (Case) “Morning Sun prepared baby formula \* \* \* ” and (can) “Sun Formulum prepared infant feeding No. 1 \* \* \* 400 USP oral units vitamin D added \* \* \* 50 MG. vitamin C added. Prepared from whole milk, water, sugar, vitamin D \* \* \* vitamin C \* \* \* supplies 20 calories per fluid oz. \* \* \* contents \* \* \* 32 Fl. oz.”

**LIBELED:** 4-21-58, Dist. Idaho.

**CHARGE:** 402(b)(1)—a valuable constituent, namely, vitamin C, had been in part omitted or abstracted from the article; 403(a)—the label statement “50 MG vitamin C added” was false and misleading as applied to an article which contained less than the declared amount of vitamin C; and 403(j)—the article was purported and represented to be for special dietary use for infants, and its label failed to state the percent by weight of crude fiber, calcium phosphorus, and iron contained in such food, and a statement of the number of USP units of vitamin A and vitamin B<sub>1</sub> supplied by a given amount of the food.

**DISPOSITION:** 8-7-58. Default—consumption by animals.

## MISCELLANEOUS FOODS

**25000. Food coloring.** (F.D.C. No. 41429. S. Nos. 2-368/70 P.)

**QUANTITY:** 164 1-qt. btls. of egg coloring, 8 1-pt. btls. of red food coloring, and 8 1-pt. btls. of blue food coloring at Raiford, Fla.

**SHIPPED:** 10-24-57 and 12-31-57, from South Boston, Mass., by Globe Grocery Co.

**RESULTS OF INVESTIGATION:** Examination showed that the egg food coloring contained Tartrazine, C.I. No. 640 and Sunset Yellow FCF; that the red food coloring contained Amaranth, C.I. No. 184; and that the blue food coloring contained Guinea Green B, C.I. No. 666 and Amaranth, C.I. No. 184, and that such articles were coal-tar colors in water solutions, which solutions had not been certified in accordance with regulations.

**LIBELED:** 2-18-58, S. Dist. Fla.

**CHARGE:** 402(c)—when shipped, the articles contained coal-tar colors other than ones from batches that had been certified in accordance with regulations; 403(e)(2)—the articles failed to bear labels containing an accurate statement of the quantity of contents; and 403(i)(2)—the labels of the articles failed to bear the common or usual names of each ingredient.

**DISPOSITION:** 6-16-58. Default—destruction.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 24951 TO 25000

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<sup>1</sup> (24951, 24959, 24982) Injunction issued.



## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Aldrich, D. F.:		Farmer's Mercantile & Elevator	
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Almira Farmer's Warehouse Co.:		Association:	
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Anderson, Jack:		Flying Cloud, Boat:	
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Baker, Boies & Watson:		Globe Grocery Co.:	
frozen whiting -----	24976	food coloring -----	25000
Boats. <i>See</i> Comet, Ethelena,		Hoar, R. L.:	
Flying Cloud, Phantom, and		wheat -----	<sup>1</sup> 24959
Red Jacket.		Karp Bros. Bakery:	
Boerstler Bros.:		poppyseed -----	24995
flour -----	24953	Keck Motor Service:	
Booth Fisheries Corp.:		rice -----	24968
frozen whiting -----	24976	Lady Baltimore:	
Bradway Chocolate Co.:		french dressing and barbecue	
chocolate-flavored sirup -----	24971	sauce -----	24996
Brice Foods, Inc.:		Lee Foods, Div. of Consolidated	
flour -----	24958	Food Corp.:	
Butler Coal & Grain Co., Inc.:		flour -----	24952
flour -----	24955	Louisiana Specialty Co.:	
California Packing Corp.:		flour -----	24957
canned tomato sauce -----	24987	Martinez Food Cannery:	
Central Canning Co.:		canned tomato paste -----	24989
tomato juice -----	24986	Morning Sun Dairy, Inc.:	
Columbus Packing Co.:		baby formula -----	24999
table and cooking oil -----	24992	Noggle, S. W., Co.:	
Comet, Boat:		sesame seed and unshelled	
frozen haddock fillets -----	24979	peanuts -----	24994
Dickson, Todd, Pharmaceuticals,		Norris Grain Co.:	
Inc.:		wheat -----	<sup>1</sup> 24959
vitamin and mineral tablets ---	24998	Northwestern Canning & Pack-	
Dixie Lake Milling Co., Inc.:		ing Co.:	
rice, dried lima beans, and		dried pinto beans, dried red	
dried kidney beans -----	24967	beans, and dried peas -----	24985
Dubl-Rich Products Co. <i>See</i> Re-		O'Donnell-Usen Fisheries Corp.:	
search Laboratories, Inc.		frozen haddock fillets -----	24978
Eastern Pharmaceutical Co.:		Ohio Fruit Products, Inc.:	
vitamin and mineral tablets ---	24998	maraschino cherries, cocktail	
Ethelena, Boat:		cherries, and glace cherries ---	24983
frozen rosefish fillets -----	24981	Old Monk Co.:	
Farmer Brothers Coffee Co.:		table and cooking oil -----	24991
cocoa -----	24970	Oxford Packing Co., Inc.:	
Farmers Co-op Elevator Co.:		oysters -----	<sup>1</sup> 24982
wheat -----	24961	Phantom, Boat:	
		frozen haddock fillets -----	24979

<sup>1</sup> (24951, 24959, 24982) Injunction issued.

	N.J. No.		N.J. No.
Planters Nut & Chocolate Co.:		Scott, H. C., Elevator Co.:	
chocolate-covered peanuts----	24972	wheat-----	24966
Pollard, W. C.:		Sears, J. W.:	
canned lemon juice, canned		vitamin and mineral tablets--	24998
grapejuice, and canned		Service Wholesale Co.:	
orange juice-----	24984	flour-----	24954
Red Jacket, Boat:		Southeast Ohio Egg Producers:	
frozen haddock fillets-----	24978	frozen eggs-----	24974
Research Laboratories, Inc.:		Standard Pharmacal Co.:	
canned lemon juice, canned		vitamin tablets-----	24997
grapejuice, and canned		Stephen Farmer's Cooperative	
orange juice-----	24984	Elevator Co.:	
Roma Packing Co., Inc.:		wheat-----	24965
table and cooking oil-----	24993	Tollison-Lynn Co.:	
Rose Mill, Inc.:		rice-----	24969
wheat, rye, and corn-----	24960	Weider Food Supplements:	
Schomaker Co.:		vitamin and mineral tablets--	24998
flour, bakery mixes, cornmeal,		Wooster Coop. Poultry Associa-	
sugar, salt, and shortening-- <sup>1</sup>	24951	tion:	
		frozen eggs-----	24974

<sup>1</sup> (24951, 24959, 24982) Injunction issued.



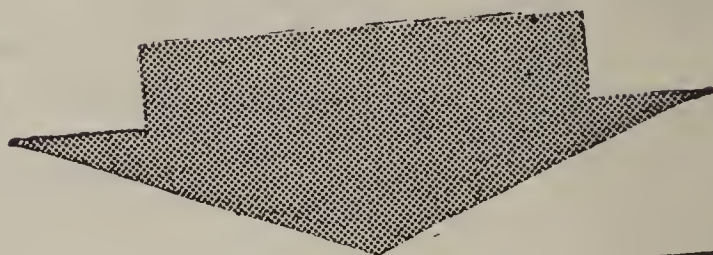


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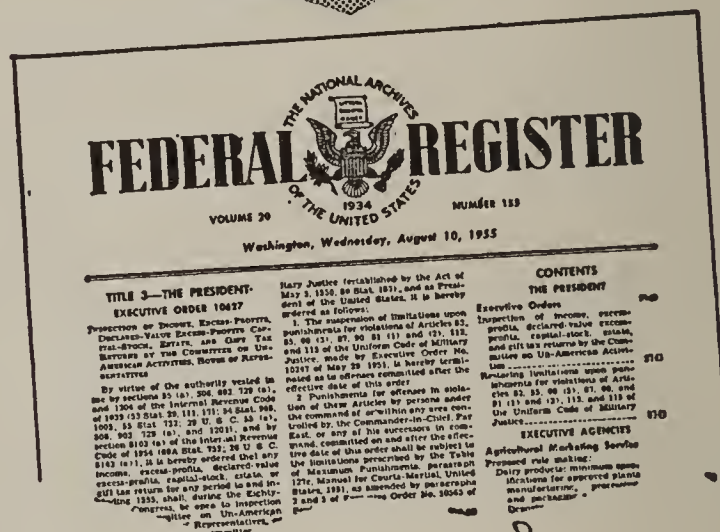
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# U.S. Department of Health, Education, and Welfare

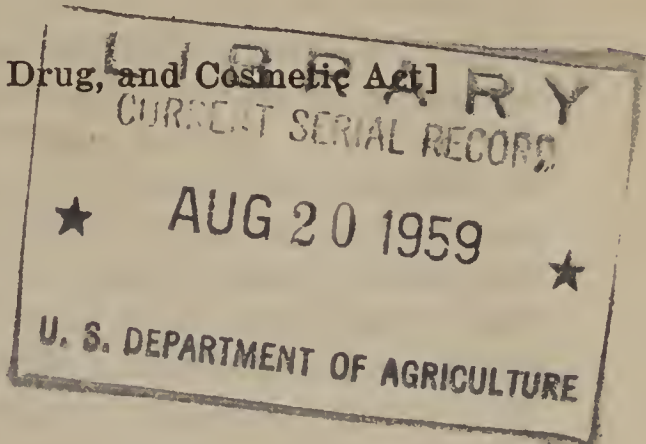
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

25001-25100

#### FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., August 4, 1959

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 25001-25100**

*Adulteration*, Section 402(a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in another case, the article was a raw agricultural commodity, and it contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter; Section 402(b) (1), a valuable constituent had been in whole or in part omitted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(h) (2), the article purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations, and its label failed to bear a statement that the article fell below the standard applicable thereto; Section 403(i) (1), the label of the article failed to bear the common or usual name of the food; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## **BEVERAGES AND BEVERAGE MATERIALS**

**25001. Assorted liquors and wines. (F.D.C. No. 40509.  
S. No. 14-566 M.)**

**QUANTITY:** 4,461 btls. at Kirkwood, Mo., in possession of Katz Drug Co., Inc., Store #33.

**SHIPPED:** Prior to 6-14-57, from outside Missouri.

**RESULTS OF INVESTIGATION:** The basement storage area of the store had been flooded with 31 inches of water that entered through the sanitary sewer line and overflowed from the toilets. Some of the bottles were labeled; some labels were illegible; and some bottles had no labels.



**LIBELED:** 7-8-57, E. Dist. Mo.

**CHARGE:** 402(a)(4)—held under insanitary conditions due to having been submerged in flood waters; 403(e)(1) and (2)—some bottles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; and 403(i)(1)—some labels failed to bear the common or usual name of the food.

**DISPOSITION:** 7-15-58. Default—destruction.

**25002. Coffee.** (F.D.C. No. 41757. S. Nos. 29-904/5 P.)

**INFORMATION FILED:** 8-1-58, E. Dist. N.Y., against Mitchell Coffee Co., a partnership, Brooklyn, N.Y., and David B. Mitchell and Jesse I. Mitchell, partners.

**ALLEGED VIOLATION:** On 2-4-58, while a quantity of green coffee was being held for sale after shipment in interstate commerce, the defendants caused the article to be admixed with cereal and chicory, roasted and ground, and packed into retail bags labeled, in part, "Mitchell's Special Restaurant Coffee." These acts resulted in the product in the retail bags becoming adulterated.

**CHARGE:** 402(b)(2)—cereal and chicory had been substituted in part for coffee while held for sale.

**PLEA:** Guilty.

**DISPOSITION:** 10-9-58. Partnership—\$10 fine; individuals—\$500 fine each.

**25003. Coffee beans.** (F.D.C. No. 41548. S. No. 29-914 P.)

**QUANTITY:** 12 120-lb. bags at New York, N.Y.

**SHIPPED:** 4-16-58, from outside the United States.

**LIBELED:** 5-20-58, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained moldy coffee beans while held for sale.

**DISPOSITION:** 9-9-58. Consent—claimed by Polbro Coffee Co., New York, N.Y. Segregated; 1,291 lbs. destroyed.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**25004. Bread.** (F.D.C. No. 41760. S. No. 72-513 M.)

**INFORMATION FILED:** 7-17-58, E. Dist. Wis., against Curdolac Food Co., a corporation, Waukesha, Wis.

**SHIPPED:** 8-20-57, from Wisconsin to Illinois.

**LABEL IN PART:** (Loaf) "Curdolac Protein Wheat Bread Net Weight 1 lb.-8 oz. Ingredients: This Bread Formula also Contains by Weight Protein 19.6%."

**RESULTS OF INVESTIGATION:** Analysis disclosed that the article contained approximately 55 percent of the declared amount of protein. The average protein content was 10 percent.

**CHARGE:** 402(b)(1)—a valuable constituent, protein, had been in part omitted when shipped; and 403(a)—the label statement "This Bread Formula also Contains by Weight Protein 19.6%" was false and misleading.

PLEA: Guilty.

DISPOSITION: 9-8-58. Fine, \$100.

**25005. Bread and buns.** (F.D.C. No. 41175. S. Nos. 57-844 M, 57-854 M, 57-858/60 M.)

INFORMATION FILED: 3-21-58, M. Dist. Ga., against Craig's Bakery, Inc., Columbus, Ga., and Jack P. Buchanan, secretary-treasurer and general manager.

SHIPPED: Between 8-15-57 and 10-23-57, from Georgia to Alabama.

LABEL IN PART: (Pkg.) "Craig's Enriched Bread Thin Sliced Sandwich \* \* \* Net Weight 16 Ozs." and "Craig's Buns Sandwich Buns \* \* \* Net Weight 14 Ozs."

CHARGE: 402(a)(3)—contained insect parts; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-3-58. Corporation and individual fined \$250 each.

**25006. Zwieback toast.** (F.D.C. No. 41137. S. No. 71-677 M.)

INFORMATION FILED: 3-28-58, Dist. Minn., against Excelsior Baking Co., t/a Butter Krust Toast Co. and Bamby Bakeries, Minneapolis, Minn.

SHIPPED: Between 6-24-57 and 8-9-57, from Minnesota to Iowa.

LABEL IN PART: (Pkg.) "Golden Brown Zwieback Crisp Toast Net Wt. 7 Ozs. Butter Krust Toast Co. Minneapolis, Minnesota."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-8-58. Fine, \$750.

## FLOUR

**25007. Flour.** (F.D.C. No. 41709. S. Nos. 53-704 M, 53-706/7 M.)

INFORMATION FILED: 6-12-58, E. Dist. La., against Louis Levy Grocer Co., Ltd., Baton Rouge, La.

ALLEGED VIOLATION: Between 9-5-57 and 11-7-57, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the flour to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insects, insect larvae, and rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-1-58. Fine, \$2,250.

**25008. Flour.** (F.D.C. No. 41718. S. Nos. 26-403 P, 26-406 P.)

INFORMATION FILED: 8-14-58, S. Dist. Iowa, against Harry Portman and Sidney Leiserowitz (partner in Leiserowitz Grocery Co.), Des Moines, Iowa.

ALLEGED VIOLATION: Between 9-20-57 and 2-20-58, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.



**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 10-3-58. Each individual fined \$500, plus costs.

**25009. Flour.** (F.D.C. No. 41730. S. Nos. 6-615/6 P.)

**INFORMATION FILED:** 6-18-58, Dist. Mass., against Standard Baking Co., Inc., Somerville, Mass., and Peter P. Stone, president.

**ALLEGED VIOLATION:** Between 12-4-57 and 1-10-58, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building that was accessible to insects and to be exposed to contamination by insects by placing the flour in an insect-contaminated flour conveying system in the building, which acts resulted in the article being adulterated.

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 10-27-58. Corporation—\$250 fine; individual—\$500 fine.

**25010. Flour.** (F.D.C. No. 41199. S. Nos. 64-730/1 M.)

**INFORMATION FILED:** 5-23-58, N. Dist. Ohio, against Beloit Milling Co., Beloit, Ohio.

**SHIPPED:** 7-11-57, from Ohio to Pennsylvania.

**LABEL IN PART:** (Bag) "Beloit City Mills Fancy Pastry Flour White Rose Beloit Milling Co. Beloit, Ohio 50 Lbs. Net" or "W. Rose Fancy Flour 100 Lbs. When Packed."

**CHARGE:** 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 10-3-58. Fine, \$300.

**25011. Flour.** (F.D.C. No. 41927. S. No. 29-776 P.)

**QUANTITY:** 55 100-lb. bags at Newark, N.J., in possession of Denburg's Modern Bakery, Inc.

**SHIPPED:** 12-3-57, from Buffalo, N.Y.

**LIBELED:** 7-18-58, Dist. N.J.

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 8-27-58. Default—destruction.

## MACARONI AND NOODLE PRODUCTS

**25012. Spaghetti and macaroni.** (F.D.C. No. 41202. S. Nos. 37-902/3 P, 37-909 P.)

**INFORMATION FILED:** 5-6-58, E. Dist. Mo., against St. Louis Macaroni Mfg. Co., St. Louis, Mo., and Sam Garozzo, president.

**SHIPPED:** 1-2-58 and 1-6-58, from Missouri to Illinois.

**LABEL IN PART:** (Pkg.) "24/12-oz. [or "24/8-Oz."] C. P. Long Spaghetti [or "Macaroni"] St. Louis Macaroni Products Spaghetti and Pure Egg Noodle Products Semolina Products."

**CHARGE:** 402 (a) (3)—contained insect fragments; and 402(a) (4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 7-10-58. Corporation and individual fined \$1,000 each.

**25013. Macaroni.** (F.D.C. No. 41765. S. No. 74-687 M.)

**INFORMATION FILED:** 8-12-58, Dist. Idaho, against Morgan Bros. & Co., a partnership, Lewiston, Idaho, and William L. Morgan, a partner.

**ALLEGED VIOLATION:** Between 9-6-55 and 9-10-57, the defendants caused quantities of macaroni, while held for sale after shipment in interstate commerce, to be held in a building infested with insects and to be exposed to contamination by insects, which acts resulted in the article being adulterated.

**CHARGE:** 402(a) (3)—contaminated with insects, insect skins, and insect excreta; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 10-22-58. Partnership and individual fined \$50 each.

### MISCELLANEOUS CEREALS

**25014. Rice.** (F.D.C. No. 41542. S. No. 30-473 P.)

**QUANTITY:** 155 100-lb. bags at Bronx, N.Y., in possession of T. J. Krikorian & Son, Inc.

**SHIPPED:** 11-19-57, from Sacramento, Calif.

**LIBELED:** 5-9-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 6-16-58. Consent—claimed by T. J. Krikorian & Son, Inc. Segregated; 81 bags denatured for use as animal feed.

**25015. Rice.** (F.D.C. No. 41570. S. Nos. 1-391 P, 1-810/11 P.)

**QUANTITY:** 120 100-lb. bags at Savannah, Ga., in possession of Alexander Grocery Co.

**SHIPPED:** Between 12-13-57 and 3-24-58, from Mermentau, La., De Witt, Ark., and Houston, Tex.

**LIBELED:** 5-27-58, S. Dist. Ga.

**CHARGE:** 402(a) (3)—contained rodent urine and bird excreta; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 9-5-58. Default—destruction.

**25016. Rice.** (F.D.C. No. 41555. S. No. 885 P.)

**QUANTITY:** 200 10-lb. bags at Baxley, Ga., in possession of Tollison & Lynn Co.

**SHIPPED:** 3-24-58, from Stuttgart, Ark.

**LIBELED:** On or about 5-19-58, S. Dist. Ga.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 7-21-58. Default—denatured for use as animal feed.



**25017. Rice.** (F.D.C. No. 41559. S. No. 887 P.)

**QUANTITY:** 160 10-lb. bags at Alma, Ga., in possession of Bacon Grocery Co., Inc.

**SHIPPED:** 3-5-58, from New Orleans, La.

**LIBELED:** 5-19-58, S. Dist. Ga.

**CHARGE:** 402(a) (3)—contained rodent urine and rodent pellets; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 7-7-58. Default—delivered to a charitable institution, for consumption by animals.

**25018. Rice.** (F.D.C. No. 41530. S. No. 2-440 P.)

**QUANTITY:** 5 100-lb. bags at Jacksonville, Fla., in possession of Daylight Grocery Co., Inc.

**SHIPPED:** 3-24-58, from Abbeville, La.

**LIBELED:** 4-24-58, S. Dist. Fla.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 6-30-58. Default—destruction.

**25019. Rye.** (F.D.C. No. 41827. S. No. 26-569 P.)

**QUANTITY:** 73,500 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-12-58, from Albee, S. Dak., by Peavey Elevator.

**LIBELED:** 6-30-58, Dist. Minn.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-15-58. Consent—claimed by Peavey Elevators, Country Div. of F. H. Peavey & Co., Minneapolis, Minn., and denatured for use as animal feed.

**25020. Rye.** (F.D.C. No. 41812. S. No. 25-855 P.)

**QUANTITY:** 82,240 lbs. at Minneapolis, Minn.

**SHIPPED:** 5-29-58, from Hettinger, N. Dak., by L. V. Duncanson Elevator Co.

**LIBELED:** 6-18-58, Dist. Minn.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-20-58. Consent—claimed by L. V. Duncanson Elevator Co. and decharacterized.

**25021. Wheat.** (F.D.C. No. 41821. S. No. 41-777 P.)

**QUANTITY:** 121,220 lbs. at Spokane, Wash.

**SHIPPED:** 6-16-58, from Tiber, Mont., by Anderson-Brown Grain Co.

**LIBELED:** 6-24-58, E. Dist. Wash.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-8-58. Consent—claimed by Boyd-Conlee Co., Spokane, Wash., and Anderson-Brown Grain Co. Segregated; 5,000 lbs. converted into animal feed.

**25022. Wheat.** (F.D.C. No. 41826. S. No. 26-757 P.)

**QUANTITY:** 80,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-16-58, from Bowdle, S. Dak., by Bowdle Flour Mills.

**LIBELED:** 6-30-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-9-58. Consent—claimed by Bowdle Flour Mills. Segregated; 2,250 lbs. converted into animal feed.

**25023. Wheat.** (F.D.C. No. 41800. S. No. 36-824 P.)

**QUANTITY:** 69,250 lbs. at Kansas City, Kans.

**SHIPPED:** 5-27-58, from Sparta, Ill., by H. C. Cole Milling Co.

**LIBELED:** 6-13-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-22-58. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Segregated; 1,940 lbs. denatured.

**25024. Wheat.** (F.D.C. No. 41813. S. No. 21-363 P.)

**QUANTITY:** 81,000 lbs. at Kansas City, Kans.

**SHIPPED:** 6-9-58, from Wilcox, Nebr., by Continental Grain Co.

**LIBELED:** 6-20-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-27-58. Consent—claimed by Continental Grain Co. Segregated; 1,510 lbs. denatured.

**25025. Wheat.** (F.D.C. No. 41824. S. No. 26-360 P.)

**QUANTITY:** 126,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-5-58, from Regent, N. Dak., by Co-op Equity Exchange.

**LIBELED:** 6-27-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-11-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 2,990 lbs. denatured for use as animal feed.

**25026. Wheat.** (F.D.C. No. 41815. S. No. 26-357 P.)

**QUANTITY:** 45,660 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-11-58, from Carthage, S. Dak., by Farmers Elevator Co.

**LIBELED:** 6-23-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-27-58. Consent—claimed by Farmers Elevator Co., Carthage, S. Dak. Segregated; 1,830 lbs. decharacterized for use as animal feed.

**25027. Wheat.** (F.D.C. No. 41834. S. No. 26-806 P.)

**QUANTITY:** 112,760 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-19-58, from Strasburg, N. Dak., by Farmers Elevator Co.

**LIBELED:** 7-2-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-9-58. Consent—claimed by Farmers Elevator Co. and denatured.



**25028. Wheat.** (F.D.C. No. 41822. S. No. 26-755 P.)

**QUANTITY:** 115,800 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-6-58, from Ray, N. Dak. by Ray Farmer's Union Elevator Co.

**LIBELED:** 6-27-58, Dist. Minn.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-11-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 6,250 lbs. denatured for use as animal feed.

**25029. Wheat.** (F.D.C. No. 41809. S. No. 26-660 P.)

**QUANTITY:** 105,900 lbs. at Minneapolis, Minn.

**SHIPPED:** 5-28-58, from Williston, N. Dak., by Williston Farmers Union Elevator Association.

**LIBELED:** 6-13-58, Dist. Minn.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-27-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 4,910 lbs. denatured for use as animal feed.

**25030. Wheat.** (F.D.C. No. 41840. S. Nos. 40-986 P, 40-989 P.)

**QUANTITY:** 125,590 lbs. at Seattle, Wash.

**SHIPPED:** 5-13-58, from Square Butte, Mont., by Gallatin Valley Milling Co.

**LIBELED:** 5-26-58, W. Dist. Wash.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-6-58. Consent—claimed by Fisher Flouring Mills Co., Seattle, Wash., and converted into animal feed.

**25031. Wheat.** (F.D.C. No. 41823. S. No. 25-656 P.)

**QUANTITY:** 91,800 lbs. at Brandon, Minn.

**SHIPPED:** 6-13-58, from Cathay, N. Dak., by J. C. Miller Elevator.

**LIBELED:** 6-26-58, Dist. Minn.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-2-58. Consent—claimed by J. C. Miller Elevator. Segregated; 3,239 lbs. ground for use as animal feed.

**25032. Wheat.** (F.D.C. No. 41802. S. Nos. 26-263/4 P.)

**QUANTITY:** 84,330 lbs. at Superior, Wis.

**SHIPPED:** 6-3-58, from Sabin, Minn., by Moorhead Seed & Grain Co.

**LIBELED:** 6-12-58, W. Dist. Wis.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-24-58. Consent—claimed by Moorhead Seed & Grain Co. Segregated; 5,165 lbs. ground for use as animal feed.

**25033. Wheat.** (F.D.C. No. 41816. S. No. 41-775 P.)

**QUANTITY:** 106,800 lbs. at Spokane, Wash.

**SHIPPED:** 5-26-58, from Galata, Mont., by Newhouse Grain Co., Inc.

**LIBELED:** 6-20-58, E. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-30-58. Consent—claimed by Cargill, Inc., Spokane, Wash., and converted into animal feed.

**25034. Wheat.** (F.D.C. No. 41825. S. No. 26-756 P.)

**QUANTITY:** 119,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 6-14-58, from Norfolk, N. Dak., by Norfolk Grain Co.

**LIBELED:** 6-27-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-1-58. Consent—claimed by Norfolk Grain Co. Segregated; 4,360 lbs. denatured for use as animal feed.

**25035. Wheat.** (F.D.C. No. 41807. S. No. 21-438 P.)

**QUANTITY:** 43,520 lbs. at Kansas City, Kans.

**SHIPPED:** 6-4-58, by Norway Elevator, from Norway, Kans., to Kansas City, Mo., and from there to Kansas City, Kans.

**LIBELED:** 6-17-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-26-58. Consent—claimed by Continental Grain Co., Kansas City, Mo. Reconditioned; the screenings were denatured.

**25036. Wheat.** (F.D.C. No. 41780. S. No. 43-168 P.)

**QUANTITY:** 120,000 lbs. at Denver, Colo.

**SHIPPED:** 5-12-58, from Egbert, Wyo., by Point of Rocks Elevators, Inc.

**LIBELED:** 5-20-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 7-1-58. Consent—claimed by Point of Rocks Elevators, Inc. Segregated; 11,600 lbs. denatured for use as animal feed.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 25037 to 25043; that was below the legal standard for milk fat content, Nos. 25044 to 25052.

**25037. Butter.** (F.D.C. No. 40837. S. Nos. 13-803/6 P.)

**QUANTITY:** 69 60-lb. cubes, 1 37-lb. cube, 1 34-lb. cube, 5 32-lb. cases, and 8 1-lb. prints at Chicago, Ill.

**SHIPPED:** In August 1958, a total of 167 cans of cream were shipped from various places in Arkansas, Indiana, Kentucky, Michigan, Missouri, and Pennsylvania, to Chicago, Ill.

**RESULTS OF INVESTIGATION:** Examination showed that the butter was made from decomposed cream.

**LIBELED:** 8-27-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—the cream contained a decomposed substance when shipped.



DISPOSITION: 9-19-58. Consent—claimed by Ernster Bros., Chicago, Ill., and converted into butter oil.

**25038. Butter.** (F.D.C. No. 40827. S. No. 37-143 P.)

QUANTITY: 23 64-lb. cubes and 12 lbs. at Fort Smith, Ark.

SHIPPED: 51 cans of cream were shipped between 7-19-58 and 7-20-58, from various places in Oklahoma.

RESULTS OF INVESTIGATION: Examination showed that the butter was made from decomposed cream.

LIBELED: 7-31-58, W. Dist. Ark.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 8-14-58. Consent—claimed by Sugar Creek Creamery Co. and converted into butter oil.

**25039. Butter.** (F.D.C. No. 40830. S. No. 36-309 P.)

QUANTITY: 16 64-lb. cubes and 52 lbs. at Fort Smith, Ark.

SHIPPED: 8-2-58, from various places in Oklahoma, in the form of 35 cans of cream.

RESULTS OF INVESTIGATION: The butter was made from decomposed cream.

LIBELED: 8-12-58, W. Dist. Ark.

CHARGE: 402(a)(3)—contained a decomposed substance.

DISPOSITION: 8-27-58. Consent—claimed by Sugar Creek Creamery Co., Fort Smith, Ark., and converted into butter oil.

**25040. Butter.** (F.D.C. No. 40838. S. No. 12-099 P.)

QUANTITY: 1,630 1-lb. prints at Chicago, Ill.

SHIPPED: 8-14-58, from Aurora, Nebr., by Farmers Union Co-op. Creameries.

LABEL IN PART: (Print) "Superior Brand Butter (Churn 26)."

RESULTS OF INVESTIGATION: The butter had been made from decomposed cream.

LIBELED: 9-2-58, N. Dist. Ill.

CHARGE: 402(a)(3)—contained decomposed cream when shipped.

DISPOSITION: 9-18-58. Consent—claimed by Farmers Union Co-op. Creamery Co. and converted into butter oil.

**25041. Butter.** (F.D.C. No. 41669. S. No. 8-556 P.)

QUANTITY: 34 cases, 32 1-lb. prints each, at Buffalo, N.Y.

SHIPPED: 2-26-58, from Cincinnati, Ohio, by Merchants Creamery Co.

LABEL IN PART: (Print) "Springfield Brand Creamery Butter."

LIBELED: 4-14-58, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped (the article was made from decomposed cream).

DISPOSITION: 5-15-58. Default—destruction.

**25042. Butter.** (F.D.C. No. 40826. S. No. 2-556 P.)

QUANTITY: 11 cases, 32 pkgs. each, at Tampa, Fla.

SHIPPED: 6-20-58, from Louisville, Ky., by Sugar Creek Creamery.

**LABEL IN PART:** (Pkg) "Country Roll Butter Creamery Distributor Wilson & Co. General Offices Chicago, Ill. U.S.A."

**LIBELED:** On or about 8-4-58, S. Dist. Fla.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** 9-8-58. Default—destruction.

**25043. Butter.** (F.D.C. No. 40822. S. No. 18-997 P.)

**QUANTITY:** 38 ctns. containing 2,189 lbs. at Denver, Colo.

**SHIPPED:** 7-6-58 and 7-7-58, from Kansas, Nebraska, and Wyoming.

**RESULTS OF INVESTIGATION:** Decomposed cream was shipped as described above, and upon arrival at Denver, Colo., it was manufactured into butter.

**LIBELED:** 7-17-58, Dist. Colo.

**CHARGE:** 402(a)(3)—while held for sale, the butter contained a decomposed substance by reason of having been made from decomposed cream.

**DISPOSITION:** 8-29-58. Default—consumption by animals.

**25044. Butter.** (F.D.C. No. 41771. S. Nos. 55-485 M, 15-575 P, 15-423 P.)

**INFORMATION FILED:** 8-6-58, S. Dist. Ohio, against Trevon J. Taylor, t/a J. C. Taylor Creamery, Cincinnati, Ohio.

**SHIPPED:** Between 2-26-57 and 6-3-58, from Ohio to Kentucky.

**LABEL IN PART:** (Ctn.) "One Pound Net Sweet Cream Butter."

**CHARGE:** 402(b)(1)—a valuable constituent, milk fat, had been in part omitted when shipped; and 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**PLEA:** Guilty.

**DISPOSITION:** 8-15-58. Fine, \$1,500.

**25045. Butter.** (F.D.C. No. 40821. S. No. 16-423 P.)

**QUANTITY:** 15 32-lb. boxes at Covington, Ky.

**SHIPPED:** 6-3-58, from Cincinnati, Ohio, by J. C. Taylor Creamery.

**LABEL IN PART:** "Sweet Cream Butter \* \* \* One Pound Net J. C. Taylor Creamery Cincinnati, Ohio."

**LIBELED:** 6-10-58, E. Dist. Ky.

**CHARGE:** 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

**DISPOSITION:** 7-22-58. Default—delivered to a Federal institution.

**25046. Butter.** (F.D.C. No. 40836. S. No. 21-850 P.)

**QUANTITY:** 31 64-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-21-58, from Omaha, Nebr., by Nebraska Cooperative Creameries, Inc.

**LIBELED:** 8-28-58, N. Dist. Ill.

**CHARGE:** 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 9-5-58. Consent—claimed by Marketing Association of America, Chicago, Ill., and reworked.



**25047. Butter.** (F.D.C. No. 41115. S. No. 23-715 P.)

QUANTITY: 73 64-lb. cubes at Los Angeles, Calif.

SHIPPED: 8-16-58, from Fairview, Okla., by Hallren Poultry & Creamery Co.

LIBELED: 9-4-58, S. Dist. Calif.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 9-23-58. Consent—claimed by Hallren Poultry & Creamery Co. and reworked.

**25048. Butter.** (F.D.C. No. 40819. S. No. 26-556 P.)

QUANTITY: 85 64-lb. boxes at Galva, Ill.

SHIPPED: 5-28-58, from St. Paul, Minn., by Peterson's Creamery Co.

LIBELED: 6-10-58, S. Dist. Ill.

CHARGE: 402(b) (2)—an article containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 6-18-58. Consent—claimed by Galva Creamery Co., Galva, Ill., and reworked.

**25049. Butter.** (F.D.C. No. 40820. S. No. 25-940 P.)

QUANTITY: 34 64-lb. boxes at Galva, Ill.

SHIPPED: 6-5-58, from St. Paul, Minn., by Peterson's Creamery Co.

LIBELED: 6-10-58, S. Dist. Ill.

CHARGE: 402(b) (2)—an article containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 6-18-58. Consent—claimed by Galva Creamery Co., Galva, Ill., and reworked.

**25050. Butter.** (F.D.C. No. 40824. S. No. 25-943 P.)

QUANTITY: 12 60-lb. boxes at New York, N.Y.

SHIPPED: 6-12-58, from Tripoli, Iowa, by Tripoli Creamery Co.

LABEL IN PART: (Box) "Creamery Butter Butter Distributed by Zenith-Godley Co. N.Y. 8947 Churn No. 3."

LIBELED: 7-14-58, S. Dist. N.Y.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 8-8-58. Consent—claimed by Zenith-Godley Co., New York, N.Y., and reworked.

**25051. Butter.** (F.D.C. No. 40817. S. No. 23-698 P.)

QUANTITY: 179 32-lb. ctns. at Torrance, Calif.

SHIPPED: 5-5-58, from Elk City, Okla., by Armour Creameries.

LABEL IN PART: (Ctn.) "Butter Grade B \* \* \* Armour and Company"; (wrapper) "Cloverbloom Butter."

LIBELED: 6-11-58, S. Dist. Calif.

CHARGE: 402(b) (2)—an article containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

DISPOSITION: 6-20-58. Consent—claimed by Armour & Co. and reworked.

**25052. Butter.** (F.D.C. No. 40828. S. No. 25-676 P.)

**QUANTITY:** 64 64-lb. boxes at Faribault, Minn.

**SHIPPED:** 7-30-58, from West Point, Nebr., by West Point Creamery.

**LABEL IN PART:** (Box) "Creamery Butter West Point Creamery Distributors & Mfgs. 402 West Point Nebr."

**LIBELED:** 8-8-58, Dist. Minn.

**CHARGE:** 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 9-4-58. Consent—claimed by West Point Creamery and reworked.

### CHEESE

**25053. Cheddar cheese.** (F.D.C. No. 41169. S. Nos. 63-534 M, 73-086 M.)

**INFORMATION FILED:** 8-8-58, Dist. Nebr., against North Loup Cooperative Cheese Co., a corporation, North Loup, Nebr., and Victor H. King, manager.

**ALLEGED VIOLATION:** On 1-25-57, the defendants gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese shipped by them under the guaranty would not be adulterated or misbranded.

On 7-25-57, the defendants caused to be shipped to the holder of the guaranty, at Omaha, Nebr., a quantity of cheddar cheese which was adulterated.

**CHARGE:** 402(a)(3)—contained manure fragments, and filth-contaminated milk was used in the preparation of the article; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 9-25-58. Corporation—\$2,000 fine, plus costs; individual—\$100 fine.

**25054. Baker's cheese.** (F.D.C. No. 41992. S. No. 26-465 P.)

**QUANTITY:** 138 30-lb. boxes, 12 15-lb. tins, and 84 5-lb. bags at Chicago, Ill.

**SHIPPED:** 7-31-58, from Sigourney, Iowa, by Iowa's Dairyland Products, Inc.

**LABEL IN PART:** (Box) "Nichols Badger Brand Bakers Cheese (Cottage Cheese) \* \* \* Dist. by Meinerz Creamery, Milwaukee, Wisconsin 209 [or "210" or "211"]."

**RESULTS OF INVESTIGATION:** The tins and bags were repackaged by the consignee from the cheese coded 210 and 211.

**LIBELED:** 8-18-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained manure fragments, rodent hair fragments, insects, and insect fragments and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 9-16-58. Default—destruction.

### EGGS

**25055. Frozen eggs.** (F.D.C. No. 40614. S. Nos. 6-373 M, 82-767/8 M.)

**INFORMATION FILED:** 7-11-58, S. Dist. Ind., against Ballas Egg Products, Inc., Greensburg, Ind., and Maurice Humpert, plant manager.

**SHIPPED:** Between 3-6-57 and 7-2-57, from Indiana to Ohio.



**LABEL IN PART:** (Can) "Net Weight 30 Pounds Frozen Whole Eggs [or "Frozen Bakers Special Blend"] B - M - C Packed For Bakers Merchandise Co., Philadelphia, Pa."

**CHARGE:** 402(a)(3)—contained decomposed eggs when shipped.

**PLEA:** Guilty.

**DISPOSITION:** 8-14-58. Corporation and individual fined \$300 each, plus costs.

**25056. Frozen eggs.** (F.D.C. No. 41708. S. Nos. 89-489/90 M, 89-529/30 M.)

**INFORMATION FILED:** 9-6-58, N. Dist. Ga., against Quill C. Jordan, t/a Toccoa Egg Co., Toccoa, Ga.

**ALLEGED VIOLATION:** On 8-31-56, the defendant gave to a firm engaged in the business of shipping frozen eggs in interstate commerce a guaranty to the effect that frozen eggs shipped by it under the guaranty would not be adulterated or misbranded.

Between 10-2-57 and 11-8-57, the defendant caused to be shipped to the holder of the guaranty, at Atlanta, Ga., and Tifton, Ga., quantities of frozen eggs which were adulterated.

**CHARGE:** 402(a)(3)—contained decomposed eggs when shipped.

**PLEA:** Nolo contendere.

**DISPOSITION:** 10-17-58. Fine of \$75 and probation for 2 years.

**25057. Frozen eggs.** (F.D.C. No. 41988. S. No. 31-654 P.)

**QUANTITY:** 480 cans at Jersey City, N.J.

**SHIPPED:** 7-5-58, from Nashville, Tenn., by L. Meyer & Co.

**LABEL IN PART:** "Frozen Whole Eggs Packed for L. Meyer 30 Lbs. Net Wt. Jersey City N.J."

**LIBELED:** 8-18-58, Dist. N.J.

**CHARGE:** 402(a)(3)—contained decomposed eggs when shipped.

**DISPOSITION:** 9-22-58. Consent—claimed by L. Meyer & Co. Segregation unsuccessful; entire lot denatured for technical use.

## FEEDS AND GRAINS

**25058. Swine feed concentrate and chickenfeed concentrate.** (F.D.C. No. 41748. S. Nos. 64-911 M, 82-993 M.)

**INFORMATION FILED:** 9-8-58, S. Dist. Ohio, against Davis Enterprises, Inc., Dayton, Ohio.

**SHIPPED:** 7-30-57, from Ohio to Indiana.

**LABEL IN PART:** (Tag label) "Davis—A-Z Feed Fortification Fortifier Concentrate For Swine Type S-302 For Hog Supplement Medicated Minimum Content Per Pound Vitamin A 100,000 U.S.P. Units Vitamin D<sub>2</sub> 250,000 U.S.P. Units Net Weight 10 Pounds" or "Davis A to Z Feed Fortification Fortifier Concentrate For Chickens Type C-102 Layer and Breeder Medicated Minimum Content Per Pound Vitamin D<sub>3</sub> 200,000 I.C. Units Net Weight 10 Pounds."

**RESULTS OF INVESTIGATION:** Analysis disclosed that the articles were 50 percent deficient in vitamin D.

**CHARGE:** Swine feed concentrate. 402(b)(1)—a valuable constituent of the article, vitamin D<sub>2</sub>, had been in part omitted from the article when shipped; and 403(a)—the label statement "Minimum Content Per Pound \* \* \* Vitamin D<sub>2</sub> 250,000 U.S.P. Units" was false and misleading.

Chickenfeed concentrate. 402(b)(1)—a valuable constituent of the article, vitamin D<sub>3</sub>, had been in part omitted from the article when shipped; and 403(a)—the label statement "Minimum Content Per Pound Vitamin D<sub>3</sub> 200,000 I.C. Units" was false and misleading.

**PLEA:** Guilty.

**DISPOSITION:** 9-19-58. Fine, \$400.

**25059. Dehydrated alfalfa meal.** (F.D.C. No. 41742. S. No. 98 P.)

**INFORMATION FILED:** 7-7-58, Dist. Kans., against Midland Industries, Inc., t/a Elk Valley Alfalfa Mills, Independence, Kans.

**SHIPPED:** 9-18-57, from Kansas to Oklahoma.

**LABEL IN PART:** (Bag) "100 lbs. Net Wt. E-V 17% Protein Fine Ground Dehydrated Alfalfa Meal \* \* \* Guaranteed Analysis Crude Protein (Minimum) 17.00 Per Cent Crude Fat (Minimum) 1.50 Per Cent Crude Fiber (Maximum) 27.00 Per Cent Ingredients: Artificially Dried Alfalfa."

**CHARGE:** 402(b)(2)—when shipped, an article containing less than 17 percent protein had been substituted for a food containing 17 percent protein; and 403(a)—the label statement "Guaranteed Analysis Crude Protein (Minimum) 17.00 Per Cent" was false and misleading.

**PLEA:** Guilty.

**DISPOSITION:** 7-7-58. Fine of \$50, plus costs.

**25060. Alfalfa meal.** (F.D.C. No. 41283. S. No. 17-553 M.)

**QUANTITY:** 274 50-lb. bags at Hampstead, Md.

**SHIPPED:** 7-8-57, from Toledo, Ohio, by Cummings & Schooler Co.

**RESULTS OF INVESTIGATION:** Examination showed that the article contained an average of 14.54 percent crude protein, an average of 29.25 percent crude fiber, and mineral oil.

**LIBELED:** 12-10-57, Dist. Md.

**CHARGE:** 402(a)(2)—when shipped, contained an added deleterious substance, mineral oil, which is unsafe within the meaning of 406 since it is not required in the production of the article and can be avoided by good manufacturing practice; and 403(a)—the label statement "Crude Protein, not less than 17.00% \* \* \* Crude Fibre, not more than 27.00%" was false and misleading.

**DISPOSITION:** 3-7-58. Default—destruction.

**25061. Alfalfa meal.** (F.D.C. No. 41581. S. No. 11-381 P.)

**QUANTITY:** 90 50-lb. bags at Buck Creek, Ind.

**SHIPPED:** 11-22-57, from East Toledo, Ohio, by Toledo Alfalfa Mills.

**LABEL IN PART:** (Bag) "Shamrock \* \* \* Dehydrated \* \* \* Alfalfa Meal 1% Animal Fat Added."

**RESULTS OF INVESTIGATION:** Examination showed the presence of mineral oil.

**LIBELED:** 2-17-58, N. Dist. Ind.



**CHARGE:** 402(a) (2)—when shipped, contained an added deleterious substance, mineral oil, which is unsafe within the meaning of 406(a) since it is not required in the production of the article and can be avoided by good manufacturing practices; and 403(i) (2)—the article was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** 4-23-58. Default—destruction.

**25062. Sweet corn silage.** (F.D.C. No. 41284. S. No. 79-139 M.)

**QUANTITY:** 75 tons at Ridgefield, Conn.

**SHIPPED:** Between 9-4-57 and 10-31-57, quantities of corn stalks were shipped from the State of New York, to a farm at Ridgefield, Conn., by Miss Alice C. Williams, and filled into a silo located on the farm.

**RESULTS OF INVESTIGATION:** The above-mentioned corn stalks were sold to Miss Alice C. Williams by Milton Kessman, Patterson, N.Y., a grower of sweet corn (sprayed with DDT) on farms in Dutchess County, New York.

**LIBELED:** 12-14-57, Dist. Conn.

**CHARGE:** 402(a) (2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely DDT, which is unsafe within the meaning of the law since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on corn stalks (or corn stover) has been prescribed by regulations.

**DISPOSITION:** 3-6-58. Default—destruction.

## FISH AND SHELLFISH

**25063. Frozen haddock fillets.** (F.D.C. No. 41865. S. No. 7-507 P.)

**QUANTITY:** 85 10-lb. boxes at Boston, Mass.

**SHIPPED:** The fillets were from fish caught in the waters of the Atlantic Ocean, outside the limits of Massachusetts, by the fishing vessel "Winchester" and landed at Boston, Mass., on 6-2-58.

**LABEL IN PART:** (Box) "Haddock Fillets New England Fillet Co. Fish Pier, Boston."

**LIBELED:** 6-16-58, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 7-23-58. Default—delivered to a public institution, for use as animal feed.

**25064. Frozen haddock fillets.** (F.D.C. No. 41945. S. No. 7-517 P.)

**QUANTITY:** 23 ctns., 5 10-lb. boxes each, at Boston, Mass.

**SHIPPED:** The fillets were from fish caught by the fishing vessel "Racer" in the Atlantic Ocean outside the limits of Massachusetts, on 7-7-58.

**LIBELED:** 7-21-58, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 8-18-58. Default—consumption by animals.

**25065. Frozen haddock fillets.** (F.D.C. No. 41954. S. No. 7-713 P.)

**QUANTITY:** 11 cases, 5 10-lb. boxes each, at Boston, Mass.

**SHIPPED:** The fillets were prepared and packed from fish caught in the waters of the Atlantic Ocean, outside the limits of Massachusetts, by the fishing vessel "Brighton," on 7-11-58.

**LABEL IN PART:** "Land 'O Brand Haddock Fillets To be weighed at time of sale."

**LIBELED:** 7-29-58, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 9-3-58. Default—consumption by animals.

**25066. Frozen ocean perch fillets. (F.D.C. No. 41915. S. No. 7-728 P.)**

**QUANTITY:** 435 10-lb. ctns. at Gloucester, Mass.

**SHIPPED:** The fillets were from fish caught by the fishing vessel "Flow," in the Atlantic Ocean outside the limits of Massachusetts, and unloaded at Gloucester, Mass., on 6-17-58.

**LIBELED:** 7-7-58, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish when shipped.

**DISPOSITION:** 8-18-58. Default—consumption by animals.

**25067. Frozen ocean perch fillets. (F.D.C. No. 41897. S. Nos. 12-913 P, 12-916 P.)**

**QUANTITY:** 66 ctns., 12 1-lb. pkgs. each, at Chicago, Ill.

**SHIPPED:** From Gloucester, Mass.

**LIBELED:** 6-30-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 7-25-58. Default—destruction.

**25068. Frozen pike. (F.D.C. No. 41981. S. No. 31-773 P.)**

**QUANTITY:** 277 lbs. in 4 ctns. at New York, N.Y.

**SHIPPED:** 6-20-58, from Canada.

**LIBELED:** 8-25-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 9-19-58. Default—destruction.

**25069. Frozen red snappers and frozen mullets. (F.D.C. No. 41968. S. Nos. 31-648 P, 31-771 P.)**

**QUANTITY:** 4 ctns., 340 lbs., total, of frozen red snappers, and 5 ctns., 456 lbs. total, of frozen mullets, at New York, N.Y.

**SHIPPED:** 10-31-56 and 6-6-58, from Mobile, Ala., and Fort Myers, Fla.

**LIBELED:** 8-19-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 9-22-58. Default—destruction.

**25070. Frozen trout and frozen whitefish. (F.D.C. No. 41976. S. Nos. 31-649/50 P, 31-772 P.)**

**QUANTITY:** 5 ctns. 199 lbs. total, of frozen trout, and 12 ctns., 555 lbs. total, of frozen whitefish, at New York, N.Y.

**SHIPPED:** Between 9-15-56, and 7-17-57, from Canada.

**LIBELED:** 8-19-58, S. Dist. N.Y.



**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 9-22-58. Default—destruction.

**25071. Fresh dressed whitefish.** (F.D.C. No. 41955. S. No. 11-345 P.)

**QUANTITY:** 65 60-lb. boxes at Chicago, Ill.

**SHIPPED:** 7-15-58, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

**LABEL IN PART:** "Product of Canada Canadian Fish Producers, Ltd. Winnipeg Canada \* \* \* 60 LGE Dr Whites [or "60 JBO Dr Whites"] \* \* \* Island Lake, Manitoba."

**LIBELED:** 7-28-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 8-13-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill. Each box of the article was stamped "For Export Only" and returned to the shipper in Canada.

**25072. Fresh dressed whitefish.** (F.D.C. No. 41934. S. Nos. 14-632/3 P.)

**QUANTITY:** 22 50-lb. boxes at Chicago, Ill.

**SHIPPED:** 6-28-58, from Winnipeg, Canada, by Keystone Fisheries, Ltd.

**LIBELED:** 7-18-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 8-13-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill. Each box of the article was stamped "For Export Only" and returned to the shipper in Canada.

**25073. Fresh dressed whitefish.** (F.D.C. No. 41920. S. No. 11-341 P.)

**QUANTITY:** 13 60-lb. boxes at Chicago, Ill.

**SHIPPED:** 6-25-58, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

**LABEL IN PART:** "60 JBO White 27 C \* \* \* Dr Whites Product of Canada Eden Lake Canadian Inspected 452."

**LIBELED:** 7-10-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 8-13-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill. Each box of the article was stamped "For Export Only" and returned to the shipper in Canada.

**25074. Frozen whitefish.** (F.D.C. No. 41921. S. Nos. 31-890/2 P.)

**QUANTITY:** 235 60-lb. boxes at New York, N.Y.

**SHIPPED:** 5-31-58, from Chicago, Ill.

**LIBELED:** 7-25-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 9-22-58. Default—destruction.

**25075. Frozen whitefish.** (F.D.C. No. 41908. S. No. 31-893 P.)

**QUANTITY:** 19 75-lb. ctns. at New York, N.Y.

**SHIPPED:** 5-23-58, from Detroit, Mich., by J. Kozloff.

**LABEL IN PART:** (Ctn.) "Product of Canada South Indian Lake Manitoba Booth Fisheries Winnipeg Manitoba Dressed Whitefish."

**LIBELED:** 7-21-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 8-25-58. Default—destruction.

**25076. Frozen whiting.** (F.D.C. No. 41836. S. Nos. 33-900 P, 33-903 P.)

QUANTITY: 653 10-lb. boxes at Dublin, Pa.

SHIPPED: 6-25-58, from Beach Haven, N.J., by Dan Diorio.

LIBELED: 7-1-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 7-1-58. Default—destruction.

**25077. Fresh crabmeat.** (F.D.C. No. 40825. S. No. 28-734 P.)

QUANTITY: 97 1-lb. cans of claw crabmeat and 22 1-lb. cans of special crabmeat at Lafayette, La.

SHIPPED: 7-16-58, from Mobile, Ala., by Star Fish & Oyster Co., Inc.

LABEL IN PART: (Can) "Distributed by Star Fish & Oyster Co., Inc., Mobile, Alabama 1 Lb Net Special Crabmeat" or "Packed by James Zirlott Theodore, Alabama Fresh Salted Claw Crabmeat Ala Permit 127."

RESULTS OF INVESTIGATION: Bacteriological analysis showed that the product was grossly contaminated with coliform and other micro-organisms, reflecting the insanitary conditions observed during the packing of the product.

LIBELED: 7-25-58, W. Dist. La.

CHARGE: 402(a)(4)—prepared, packed, or held under insanitary conditions.

DISPOSITION: 9-19-58. Default—destruction.

**25078. Canned shrimp.** (F.D.C. No. 41864. S. No. 28-615 P.)

QUANTITY: 496 cases, 24 cans each, at Brooklyn, N.Y.

SHIPPED: 5-29-58, from Westwego, La., by Cutcher Canning Co., Inc.

LABEL IN PART: (Can) "Cutcher Brand Wet Pack Drained Weight 5 Ozs. Medium Shrimp."

LIBELED: 6-16-58, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed shrimp when shipped.

DISPOSITION: 10-20-58. Consent—claimed by Cutcher Canning Co., Inc. Segregated; 452 cases, plus 14 cans, found fit for use as food.

**25079. Canned shrimp.** (F.D.C. No. 41903. S. No. 29-732 P.)

QUANTITY: 46 cases, 24 cans each, at New York, N.Y.

SHIPPED: 6-3-58, from New Orleans, La., by Reuther's Seafood Co., Inc.

LABEL IN PART: (Can) "Marvelous Brand Small Shrimp Wet Pack Drained Wt. 5 Ozs."

LIBELED: 7-8-58, S. Dist. N.Y.

CHARGE: 403(e)(2)—the label of the article, when shipped, failed to bear an accurate statement of the quantity of contents (the article was short weight); and 403(h)(2)—the article fell below the standard of fill of container for canned wet pack shrimp in nontransparent containers since the containers of the article were so filled that the cut-out weight of shrimp taken from each can was less than 64 percent of the water capacity of the container, the minimum permitted by the regulations; and the label failed to bear, in the manner and form specified by regulations, a statement that the article fell below the standard.



DISPOSITION: 9-22-58. Default—delivered to a local charitable institution, for its use and not for sale.

**25080. Canned shrimp.** (F.D.C. No. 41948. S. No. 28-983 P.)

QUANTITY: 798 cases, 24 cans each, at Houma, La.

SHIPPED: 7-1-58, from Aransas Pass, Tex., by Webster's Sea Foods.

RESULTS OF INVESTIGATION: The article was shipped as raw shrimp. Upon arrival at Houma, La., the shrimp were processed by the consignee into the above-mentioned cans.

LIBELED: 7-24-58, E. Dist. La.

CHARGE: 402(a)(3)—contained decomposed shrimp when shipped.

DISPOSITION: 10-21-58. Default—destruction.

**25081. Frozen breaded shrimp, frozen whitefish, and frozen butterfish.** (F.D.C. No. 41951. S. Nos. 31-645 P, 31-767/8 P.)

QUANTITY: 636 10-oz. pkgs. of frozen breaded shrimp; 6 ctns., 302 lbs. total, of frozen whitefish; and 9 ctns., 961 lbs. total, of frozen butterfish, at New York, N.Y.

SHIPPED: August 1957 (whitefish), from Canada; 9-9-55 (butterfish), from the waters of the Atlantic Ocean outside the territorial limits of New York; and 5-21-58 (shrimp), from Philadelphia, Pa.

LIBELED: 8-6-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish (whitefish and butterfish) and decomposed breading (shrimp) while held for sale.

DISPOSITION: 8-25-58. Default—destruction.

**25082. Frozen breaded shrimp.** (F.D.C. No. 41973. S. No. 1-195 P.)

QUANTITY: 47 cases, 12 10-oz. pkgs. each, at Chattanooga, Tenn.

SHIPPED: 6-23-58, from St. Simons Island, Ga., by Seapak Corp.

LABEL IN PART: (Pkg.) "Shrimp Ahoy \* \* \* Frozen Fresh Breaded Round Style Shrimp."

LIBELED: 8-6-58, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 10-14-58. Default—destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**25083. Dried peaches.** (F.D.C. No. 41932. S. No. 1-967 P.)

QUANTITY: 204 cases, 24 12-oz. pkgs. each, at Atlanta, Ga.

SHIPPED: 5-23-58, from San Jose, Calif., by Mayfair Packing Co.

LABEL IN PART: (Pkg.) "Farmkist Brand Medium Santa Clara Peaches."

LIBELED: 7-18-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, insect fragments, and insect-damaged peaches when shipped.

DISPOSITION: 9-29-58. Default—consumption by animals.

**25084. Dried black raspberries.** (F.D.C. No. 41909. S. No. 3-318 P.)

**QUANTITY:** 8 25-lb. boxes at Bluefield, W. Va.

**SHIPPED:** In December 1957, from Rochester, N.Y., by Hartman Dried Fruit Co.

**LABEL IN PART:** "Packed for Hartman Dried Fruit Co. Rochester, New York \* \* \* Evaporated Black Raspberries."

**LIBELED:** 7-3-58, S. Dist. W. Va.

**CHARGE:** 402(a)(3)—contained insects and insect parts when shipped.

**DISPOSITION:** 8-13-58. Default—consumption by animals.

### FRESH FRUIT

**25085. Fresh blueberries.** (F.D.C. No. 40834. S. No. 8-051 P.)

**QUANTITY:** 48 crates, 24 1-qt. boxes each, and 3 crates, 32 1-qt. boxes each, at Warwick, R.I.

**SHIPPED:** 8-28-58, from Harrington, Maine, by Merrill Anderson.

**LIBELED:** 8-29-58, Dist. R.I.

**CHARGE:** 402(a)(3)—contained maggots when shipped.

**DISPOSITION:** 9-25-58. Default—destruction.

**25086. Fresh blueberries.** (F.D.C. No. 40831. S. No. 7-908 P.)

**QUANTITY:** 9 crates, 24 1-qt. boxes each, at Boston, Mass.

**SHIPPED:** 8-18-58, from Laconia, N.H., by Al Wheeler.

**RESULTS OF INVESTIGATION:** Examination showed that the article contained maggots.

**LIBELED:** 8-20-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained a filthy substance when shipped.

**DISPOSITION:** 9-29-58. Default—destruction.

### MISCELLANEOUS FRUIT PRODUCT

**25087. Fruit loaf.** (F.D.C. No. 41991. S. No. 2-559 P.)

**QUANTITY:** 600 1-lb. pkgs. and 1,200 lbs. in bulk at Zephyrhills, Fla.

**SHIPPED:** Prior to 2-19-58, from various interstate sources.

**RESULTS OF INVESTIGATION:** The article had been received from interstate sources as ground fruit, consisting of dates, apples, raisins, apricots, figs, and peaches. Upon receipt by the consignee, bulk fruit loaf was prepared and subsequently packaged into 1-lb. packages.

**LIBELED:** 8-26-58, S. Dist. Fla.

**CHARGE:** 402(a)(3)—contained insects, insect fragments, and rodent hairs while held for sale.

**DISPOSITION:** 10-15-58. Default—destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

**25088. Canned green beans.** (F.D.C. No. 41982. S. No. 2-985 P.)

**QUANTITY:** 149 cases, 6 6-lb. 5-oz. cans each, at Atlanta, Ga.

**SHIPPED:** 10-16-57, from Laurel, Miss.



RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 8-14-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-18-58. Default—destruction.

25089. Dried lima beans. (F.D.C. No. 41731. S. No. 66-474 M.)

INFORMATION FILED: 6-27-58, N. Dist. Calif., against Laurence A. Hearne, t/a L. A. Hearne Warehouse Co., King City, Calif.

SHIPPED: 8-27-57, from California to Georgia.

LABEL IN PART: (Bag) "California Lima Beans Standard Railroad Bean Bag 100 Lbs. Net Weight."

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions prior to shipment.

PLEA: Guilty.

DISPOSITION: 8-15-58. Fine, \$250.

25090. Dried mushrooms. (F.D.C. No. 41870. S. Nos. 41-503 P, 41-564/6 P.)

QUANTITY: 4 cases, 24 ½-oz. jars each; 3 cases, 12 1-oz. tumblers each; and 2 cases, 12 ⅜-oz. bags each, at Portland, Oreg.

SHIPPED: Between 8-13-57 and 12-28-57, from Chicago, Ill., by Sokol & Co.

LABEL IN PART: (Jar) "Solo Imported \* \* \* Mushrooms Imported & Packed by Sokol & Company"; (tumbler) "Solo Select Imported Dried Mushrooms \* \* \* Sokol & Company"; (bag) "Shield Brand Dried Mushrooms \* \* \* Packed by Sokol & Company" or "Solo Imported Dried Mushrooms Packed by Sokol & Company."

LIBELED: 7-9-58, Dist. Oreg.

CHARGE: 402(a)(3)—contained insects and insect parts when shipped.

DISPOSITION: 9-10-58. Default—destruction.

25091. Canned peas, canned corn, and canned carrots. (F.D.C. No. 41737. S. Nos. 80-112/4 M.)

INFORMATION FILED: 6-9-58, E. Dist. Wis., against Mammoth Spring Canning Co., a corporation, Sussex, Wis.

SHIPPED: 11-27-56, from Wisconsin to Iowa.

LABEL IN PART: (Can) "Kewpie Sweet Peas [or "Golden Corn" or "Diced Carrots"] Dietetic Water Pack No Salt or Sugar Used For Special Dietary Use Contents 1 Lb."

CHARGE: 403(j)—the articles purported to be and were represented as foods for special dietary use by reason of their restricted sodium content; and the label of each article failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of the article and a statement of the number of milligrams of sodium in an average serving of the article.

PLEA: Guilty.

DISPOSITION: 10-13-58. Fine, \$150.

**25092. Frozen field peas with snaps.** (F.D.C. No. 41869. S. No. 1-484 P.)

**QUANTITY:** 183 cases, 12 3-lb. pkgs. each, at Miami, Fla.

**SHIPPED:** 2-7-58, from Montezuma, Ga., by Southern Frozen Foods, Inc.

**LABEL IN PART:** (Pkg.) "McKenzie's Frozen Fresh Field Peas With Snaps."

**LIBELED:** 7-1-58, S. Dist. Fla.

**CHARGE:** 402(a)(3)—contained worms when shipped.

**DISPOSITION:** 10-13-58. Default—destruction.

**25093. Sweet pickle chips and dill pickles.** (F.D.C. No. 41715. S. Nos. 29-076 M, 66-054 M.)

**INFORMATION FILED:** 7-18-58, N. Dist. Calif., against Kruger & Sons, a partnership, Hayward, Calif., and Henning A. Kruger, a partner.

**ALLEGED VIOLATIONS:** On 3-23-49, the defendants gave to a firm engaged in the business of shipping foods in interstate commerce a guaranty to the effect that no food shipped or sold by the defendants would be adulterated or misbranded within the meaning of the Food, Drug, and Cosmetic Act.

On 11-20-57, the defendants shipped a number of jars of adulterated sweet pickle chips to the holder of the guaranty, at San Francisco, Calif. In addition, on or about 9-12-57, the defendants shipped, from San Francisco, Calif., to Agana, Guam, a number of jars of dill pickles which were adulterated.

**CHARGE:** 402(a)(3)—the articles contained insects and insect fragments; and 402(a)(4)—the articles had been prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 10-22-58. The court fined each defendant \$250 and placed the individual defendant on probation for 5 years.

**25094. Canned sweet pickles.** (F.D.C. No. 40909. S. No. 66-055 M.)

**QUANTITY:** 7 cases, 4 1-gal. jars each, at Seattle, Wash.

**SHIPPED:** 9-26-57, from Mountain View, Calif., by California Conserving Co., Inc.

**LIBELED:** 10-29-57, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 7-9-58. Default—destruction.

## POULTRY

**25095. Eviscerated poultry.** (F.D.C. No. 41847. S. No. 30-047 P.)

**QUANTITY:** 35 crates containing a total of 2,582 lbs. of eviscerated chickens, 5 crates containing a total of 372 lbs. of chicken backs and necks, and 2 crates containing a total of 125 lbs. of chicken wings at New York, N.Y.

**SHIPPED:** 4-4-58, from Frankford, Del.

**LIBELED:** 6-18-58, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained decomposed chickens and poultry parts while held for sale.

**DISPOSITION:** 7-18-58. Default—destruction.



**25096. Frozen eviscerated poultry.** (F.D.C. No. 41551. S. No. 33-891 P.)

QUANTITY: 3 crates, 186 lbs. total, at Milton, Del.

SHIPPED: 3-31-58, from Snow Hill, Md.

LIBELED: 5-6-58, Dist. Del.

CHARGE: 402(a)(3)—contained decomposed chickens while held for sale.

DISPOSITION: 6-12-58. Default—destruction.

**25097. Dressed chickens.** (F.D.C. No. 41953. S. No. 30-049 P.)

QUANTITY: 2 crates at New York, N.Y.

SHIPPED: 7-9-58, from Herndon, Pa., by Mandata Poultry Co.

LIBELED: 8-6-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained, when shipped, birds contaminated with fecal and crop material and torn and bruised birds; and 402(a)(5)—contained diseased birds and birds which had died otherwise than by slaughter.

DISPOSITION: 8-26-58. Default—destruction.

**25098. Frozen frying chickens.** (F.D.C. No. 40253. S. No. 25-031 M.)

QUANTITY: 400 boxes, 25,616 lbs. total, at Portland, Oreg.

SHIPPED: 5-2-57, from Gainesville, Ga., by Interstate Brokers, Inc., of California.

LABEL IN PART: (Box) "Grade 'A' Fryers Processed by Marell Farms, Inc., Gainesville, Georgia."

LIBELED: 5-20-57, Dist. Oreg.

CHARGE: 402(a)(3)—contained decomposed chickens when shipped.

DISPOSITION: 8-30-57. Default—destruction.

**25099. Canned Rock Cornish game hens.** (F.D.C. No. 41969. S. No. 31-401 P.)

QUANTITY: 512 cases, 6 2-lb. cans each, at New York, N.Y.

SHIPPED: 11-18-57, from Odessa, Del.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing bacterial decomposition.

LIBELED: 8-20-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-19-58. Default—destruction.

**25100. Canned Rock Cornish game hens.** (F.D.C. No. 41971. S. No. 12-909 P.)

QUANTITY: 150 cases, 6 2-lb. cans each, at McCook, Ill.

SHIPPED: 12-12-57, from White Plains, N.Y.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing bacterial decomposition.

LIBELED: 8-4-58, N. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-2-58. Default—destruction.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 25001 TO 25100

## PRODUCTS

	N.J. No.		N.J. No.
Alfalfa meal_____	25060, 25061	Lima beans, dried_____	25089
dehydrated _____	25059	Macaroni and noodle products__	25012,
Baker's cheese_____	25054		25013
Bakery products_____	25004-25006	Mullets, frozen (fish) _____	25069
Beans, green, canned_____	25088	Mushrooms, dried_____	25090
lima, dried_____	25089	Noodles. <i>See Macaroni and</i>	
Beverages and beverage materi-		noodle products.	
als _____	25001-25003	Peaches, dried_____	25083
Blueberries, fresh_____	25085, 25086	Peas, canned_____	25091
Bread and rolls_____	25004, 25005	field, with snaps, frozen_____	25092
Butter _____	25037-25052	Perch fillets, frozen_____	25066, 25067
Butterfish, frozen_____	25081	Pickle chips, sweet_____	25093
Carrots, canned_____	25091	Pickles, dill_____	25093
Cereals and cereal products____	25004-	sweet, canned_____	25094
	25036	Pike, frozen_____	25068
Cheese _____	25053	Poultry _____	25095-25100
baker's _____	25054	Raspberries, black, dried_____	25084
Chickenfeed concentrate_____	25058	Rice _____	25014-25018
Chickens. <i>See Poultry.</i>		Rock Cornish game hens, canned_	25099,
Coffee _____	25002		25100
beans _____	25003	Rolls. <i>See Bread and rolls.</i>	
Corn, canned_____	25091	Rye _____	25019, 25020
silage, sweet_____	25062	Shellfish. <i>See Fish and shellfish.</i>	
Cornish, Rock, game hens,		Shrimp, canned_____	25078-25080
canned _____	25099, 25100	breaded, frozen_____	25081, 25082
Crabmeat, fresh_____	25077	Silage, corn, sweet_____	25062
Dairy products_____	25037-25054	Snappers, red, frozen (fish) _____	25069
Dill pickles_____	25093	Spaghetti. <i>See Macaroni and</i>	
Eggs, frozen_____	25055-25057	noodle products.	
Feeds and grains_____	25058-25062	Swine feed concentrate_____	25058
Fish and shellfish_____	25063-25082	Toast, zwieback _____	25006
Flour _____	25007-25011	Trout, frozen_____	25070
Fruit loaf_____	25087	Vegetables. <i>See Fruits and vege-</i>	
Fruits and vegetables_____	25083-25094	tables.	
fruit, dried_____	25083, 25084	Wheat _____	25021-25036
fresh _____	25085, 25086	Whisky _____	25001
miscellaneous fruit prod-		Whitefish, dressed, fresh__	25071-25073
uct _____	25087	frozen ____	25070, 25074, 25075, 25081
vegetables and vegetable prod-		Whiting, frozen_____	25076
ucts _____	25088-25094	Wine _____	25001
Grains. <i>See Feeds and grains.</i>		Zwieback toast_____	25006
Haddock fillets, frozen_____	25063-25065		

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

Alexander Grocery Co.:	N.J. No.	Anderson, Merrill:	N.J. No.
rice _____	25015	fresh blueberries_____	25085
Anderson-Brown Grain Co.:		Armour & Co.:	
wheat _____	25021	butter _____	25051



	N. J. No.		N.J. No.
Armour Creameries:		Diorio, Dan:	
butter -----	25051	frozen whiting-----	25076
Bacon Grocery Co., Inc.:		Duncanson, L. V., Elevator Co.:	
rice -----	25017	rye -----	25020
Bakers Merchandise Co.:		Elk Valley Alfalfa Mills. <i>See</i>	
frozen eggs-----	25055	Midland Industries, Inc.	
Ballas Egg Products, Inc.:		Excelsior Baking Co.:	
frozen eggs-----	25055	zwieback toast-----	25006
Bamby Bakeries. <i>See</i> Excelsior		Farmers Elevator Co.:	
Baking Co.		wheat -----	25026, 25027
Beloit Milling Co.:		Farmer's, Ray, Union Elevator	
flour -----	25010	Co.:	
Boats. <i>See</i> Brighton, Flow,		wheat -----	25028
Racer, and Winchester.		Farmers Union Co-op. Creamer-	
Booth Fisheries:		ies:	
frozen whitefish-----	25075	butter -----	25040
Bowdle Flour Mills:		Flow, Boat:	
wheat -----	25022	frozen ocean perch fillets-----	25066
Brighton, Boat:		Gallatin Valley Milling Co.:	
frozen haddock fillets-----	25065	wheat -----	25030
Buchanan, J. P.:		Garozzo, Sam:	
bread and buns-----	25005	Spaghetti and macaroni-----	25012
Butter Krust Toast Co. <i>See</i> Ex-		Hallren Poultry & Creamery Co.:	
celsior Baking Co.		butter -----	25047
California Conserving Co., Inc.:		Hartman Dried Fruit Co.:	
canned sweet pickles-----	25094	dried black raspberries-----	25084
Canadian Fish Producers, Ltd.:		Hearne, L. A.:	
fresh dressed whitefish_	25071, 25073	dried lima beans-----	25089
Cole, H. C., Milling Co.:		Hearne, L. A., Warehouse Co.	
wheat -----	25023	<i>See</i> Hearne, L. A.	
Continental Grain Co.:		Humpert, Maurice:	
wheat -----	25024	frozen eggs-----	25055
Co-op Equity Exchange:		Interstate Brokers, Inc., of Cali-	
wheat -----	25025	fornia:	
Craig's Bakery, Inc.:		frozen frying chickens-----	25098
bread and buns-----	25005	Iowa's Dairyland Products, Inc.:	
Cummings & Schooler Co.:		baker's cheese-----	25054
alfalfa meal-----	25060	Jordan, Q. C.:	
Curdolac Food Co.:		frozen eggs-----	25056
bread -----	25004	Katz Drug Co., Inc. (Store #33):	
Cutcher Canning Co., Inc:		assorted liquors and wines----	25001
canned shrimp-----	25078	Kessman, Milton:	
Davis Enterprises, Inc.:		sweet corn silage-----	25062
swine feed concentrate and		Keystone Fisheries, Ltd.:	
chickenfeed concentrate----	25058	fresh dressed whitefish-----	25072
Daylight Grocery Co., Inc.:		King, V. H.:	
rice -----	25018	cheese -----	25053
Denburg's Modern Bakery, Inc.:		Kozloff, J.:	
flour -----	25011	frozen whitefish-----	25075

	N.J. No.		N.J. No.
Krikorian, T. J., & Son, Inc.:		New England Fillet Co.:	
rice -----	25014	frozen haddock fillets-----	25063
Kruger & Sons:		Newhouse Grain Co., Inc.:	
sweet pickle chips and dill pickles -----	25093	wheat -----	25033
Kruger, H. A.:		Norfolk Grain Co.:	
sweet pickle chips and dill pickles -----	25093	wheat -----	25034
Leiserowitz Grocery Co. <i>See</i>		North Loup Cooperative Cheese Co.:	
Leiserowitz, Sidney, and		cheese -----	25053
Portman, Harry.		Norway Elevator:	
Leiserowitz, Sidney:		wheat -----	25035
flour -----	25008	Peavey Elevator:	
Levy, Louis, Grocer Co., Ltd.:		rye -----	25019
flour -----	25007	Peterson's Creamery Co.:	
Mammoth Spring Canning Co.:		butter -----	25048, 25049
canned peas, canned corn, and		Point of Rocks Elevators, Inc.:	
canned carrots-----	25091	wheat -----	25036
Mandata Poultry Co.:		Portman, Harry:	
dressed chickens-----	25097	flour -----	25008
Marell Farms, Inc.:		Racer, Boat:	
frozen frying chickens-----	25098	frozen haddock fillets-----	25064
Mayfair Packing Co.:		Reuther's Seafood Co., Inc.:	
dried peaches-----	25083	canned shrimp-----	25079
Meinerz Creamery:		St. Louis Macaroni Mfg. Co.:	
baker's cheese-----	25054	spaghetti and macaroni-----	25012
Merchants Creamery Co.:		Seapak Corp.:	
butter -----	25041	frozen breaded shrimp-----	25082
Meyer, L., & Co.:		Sokol & Co.:	
frozen eggs-----	25057	dried mushrooms-----	25090
Midland Industries, Inc.:		Southern Frozen Foods, Inc.:	
dehydrated alfalfa meal-----	25059	frozen field peas with snaps---	25092
Miller, J. C., Elevator:		Standard Baking Co., Inc.:	
wheat -----	25031	flour -----	25009
Mitchell Coffee Co.:		Star Fish & Oyster Co., Inc.:	
coffee -----	25002	fresh crabmeat-----	25077
Mitchell, D. B., and J. I.:		Stone, P. P.:	
coffee -----	25002	flour -----	25009
Moorhead Seed & Grain Co.:		Sugar Creek Creamery:	
wheat -----	25032	butter -----	25042
Morgan Bros. & Co.:		Taylor, J. C., Creamery:	
macaroni -----	25013	butter -----	25045
Morgan, W. L.:		<i>See also</i> Taylor, T. J.	
macaroni -----	25013	Taylor, T. J.:	
Nebraska Cooperative Creameries, Inc.:		butter -----	25044
butter -----	25046	Toccoa Egg Co. <i>See</i> Jordan, Q. C.	
		Toledo Alfalfa Mills:	
		alfalfa meal-----	25061

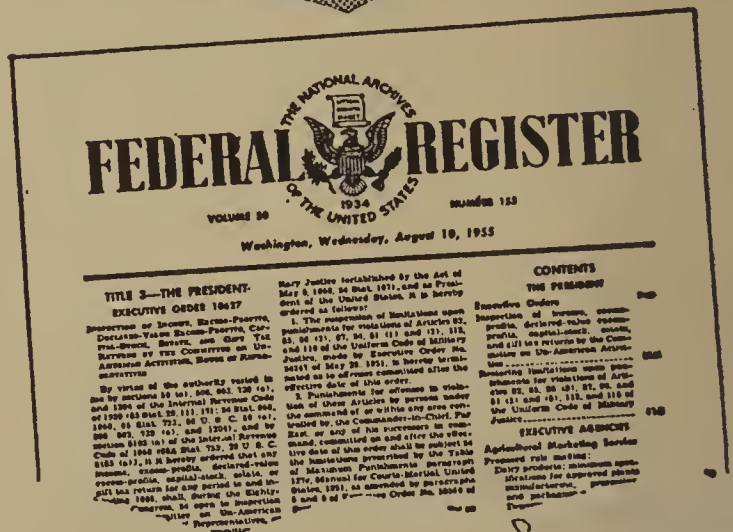
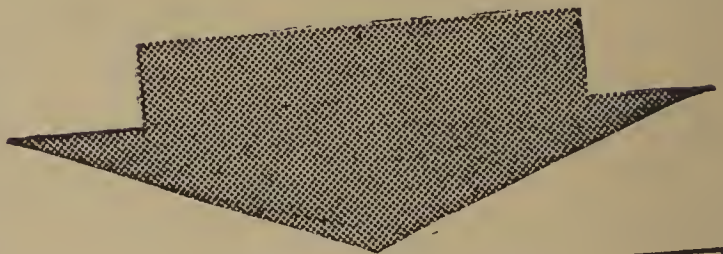


Tollison & Lynn Co.:		Williston Farmers Union Elevator Association:	
rice -----	25016	wheat -----	25029
Tripoli Creamery Co.:		Wilson & Co.:	
butter -----	25050	butter -----	25042
Webster's Sea Foods:		Winchester, Boat:	
canned shrimp-----	25080	frozen haddock fillets-----	25063
West Point Creamery:		Zenith-Godley Co.:	
butter -----	25052	butter -----	25050
Wheeler, Al:		Zirlott, James:	
fresh blueberries-----	25086	fresh crabmeat-----	25077
Williams, A. C.:			
sweet corn silage-----	25062		

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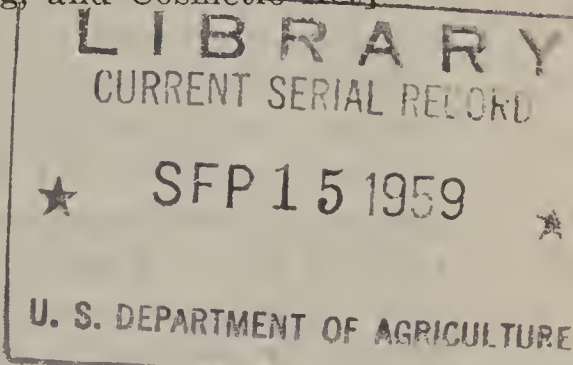
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

25101-25150

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent and (2) criminal proceedings which were terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., August 19, 1959.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 25101-25150**

*Adulteration*, Section 402(a) (2), the article was a raw agricultural commodity, and it contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 408(a), a poisonous or deleterious pesticide chemical which is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and it fell below such standard; and its label failed to bear a statement that it fell below such standard; Section 403(i) (1), the article was not subject to the provisions of Section 403(g), and its label failed to bear the common or usual name of the food.

## **CEREALS AND CEREAL PRODUCTS**

### **CORNMEAL**

**25101. Cornmeal.** (F.D.C. No. 42141. S. No. 38-424 P.)

**QUANTITY:** 400 25-lb. bags at Hope, Ark.

**SHIPPED:** 9-13-58, from St. Joseph, Mo., by Quaker Oats Co.

**LABEL IN PART:** (Bag) "Aunt Jemima White Corn Meal."

**LIBELED:** 10-9-58, W. Dist. Ark.

**CHARGE:** 402(a) (3)—contained rodent urine when shipped.

**DISPOSITION:** 11-24-58. Default—destruction.

### **FLOUR**

**25102. Flour.** (F.D.C. No. 41717. S. Nos. 31-597/8 M.)

**INFORMATION FILED:** 6-20-58, S. Dist. Ohio, against Consolidated Foods Corp., t/a Monarch Finer Foods, Columbus, Ohio, and Earl Heitger, manager.

**ALLEGED VIOLATION:** Between 5-10-57 and 10-3-57, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the article being adulterated.

**CHARGE:** 402(a) (3)—contained urine, insects, insect parts, and insect excreta; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Guilty.



DISPOSITION: 9-26-58. Corporation—\$1,000 fine. Individual—\$1,000 fine and 90 days in jail; jail sentence reduced to 9 days.

**25103. Flour.** (F.D.C. No. 41187. S. No. 71-595 M.)

INFORMATION FILED: 4-23-58, N. Dist. Iowa, against Pierce Terminal Warehouse, Inc., Sioux City, Iowa, and Clair E. Pierce, president.

ALLEGED VIOLATION: Between 11-21-57 and 12-11-57, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-29-58. Corporation—\$200 fine; individual—\$25 fine.

**25104. Flour.** (F.D.C. No. 41685. S. No. 39-267/8 P.)

QUANTITY: 87 100-lb. bags at Stockton, Calif., in possession of California Fireproof Storage & Transfer Co.

SHIPPED: 12-16-57, from Seattle, Wash.

LIBELED: 5-6-58, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-11-58. Default—destruction.

**25105. Flour.** (F.D.C. No. 41873. S. No. 1-182 P.)

QUANTITY: 85 25-lb. bags at Winston-Salem, N.C., in possession of S. L. Collins Wholesale Grocery Co.

SHIPPED: 2-7-58, from Roanoke, Va.

LIBELED: 6-20-58, M. Dist. N.C.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-12-58. Default—consumption by animals.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**25106. Malting Barley.** (F.D.C. No. 42060. S. No. 26-908 P.)

QUANTITY: 54,990 lbs. at Minneapolis, Minn.

SHIPPED: 7-8-58, from Lankin, N. Dak., by Lankin Farmers Grain Co.

LIBELED: 7-21-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 7-23-58. Consent—claimed by Lankin Farmers Grain Co. and converted into animal feed.

**25107. Unpopped popcorn.** (F.D.C. No. 42062. S. Nos. 36-964/5 P.)

QUANTITY: 55 cases, 12 2-lb. pkgs. each, and 4 100-lb. bags, at Memphis, Tenn.

SHIPPED: Between 1-18-57 and 12-20-57, from Murray, Ky.

LIBELED: 7-21-58, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects, insect excreta, and insect-damaged corn while held for sale.

DISPOSITION: 8-11-58. Consent—consumption by animals.

**25108. Unpopped popcorn.** (F.D.C. No. 42106. S. Nos. 37-018/9 P.)

QUANTITY: 51 cases, 24 1-lb. bags each, and 35 cases, 6 4-lb. bags each, at Memphis, Tenn., in possession of United Warehouse & Terminal Corp.

SHIPPED: Between 11-13-57 and 3-17-58, from Murray, Ky.

LIBELED: 9-8-58, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-11-58. Consent—consumption by animals.

**25109. Unpopped popcorn.** (F.D.C. No. 42077. S. No. 38-405 P.)

QUANTITY: 22 ctns., 24 1-lb. bags each, at Hope, Ark.

SHIPPED: On an unknown date, from Cedar Rapids, Iowa.

LIBELED: 8-4-58, W. Dist. Ark.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 9-17-58. Default—destruction.

**25110. Wheat.** (F.D.C. No. 41828. S. No. 26-758 P.)

QUANTITY: 118,200 lbs. at Minneapolis, Minn.

SHIPPED: 6-12-58, from Douglas, N. Dak., by Douglas Farmers Elevator Co.

LIBELED: 6-30-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 7-28-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 2,390 lbs. denatured for use as animal feed.

**25111. Wheat.** (F.D.C. No. 42039. S. No. 25-662 P.)

QUANTITY: 88,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-16-58, from Winner, S. Dak., by Farmers Union Grain Terminal Association.

LIBELED: 7-9-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 7-22-58. Consent—claimed by Great Plains Supply Co., St. Paul, Minn. Segregated; 2,820 lbs. denatured for use as animal feed.

**25112. Wheat.** (F.D.C. No. 42043. S. No. 25-663 P.)

QUANTITY: 80,240 lbs. at Minneapolis, Minn.

SHIPPED: 6-20-58, from Eden, S. Dak., by Osborne-McMillan Elevator Co.

LIBELED: 7-9-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 7-17-58. Consent—claimed by Osborne-McMillan Elevator Co. Segregated; 4,420 lbs. denatured for use as animal feed.

**25113. Wheat.** (F.D.C. No. 41910. S. No. 3-411 P.)

QUANTITY: 34,490 lbs. at Driver, Va.



SHIPPED: 6-17-58, from Mount Olive, N.C., by Mount Olive Grain Storage Co.

LIBELED: 7-3-58, E. Dist. Va.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 7-25-58. Consent—claimed by Mount Olive Grain & Storage Co., Inc. 1,067 lbs. destroyed and remainder denatured for use as seed wheat.

## DAIRY PRODUCTS

### BUTTER

**25114. Butter.** (F.D.C. No. 40835. S. Nos. 11-353/4 P.)

QUANTITY: 57 60-lb. cubes, 1 56-lb. cube, and 1 47-lb. cube at Chicago, Ill.

SHIPPED: 153 cans of cream were shipped on 8-18-58, from various places in Arkansas, Indiana, Kentucky, Missouri, Pennsylvania, and West Virginia.

RESULTS OF INVESTIGATION: Examination showed that the butter was made from the above-mentioned cream.

LIBELED: 8-27-58, N. Dist. Ill.

CHARGE: 402(a)(3)—the cream contained a decomposed substance when shipped.

DISPOSITION: 9-30-58. Consent—claimed by Sunset Valley Creamery Co., Chicago, Ill., and converted into butter oil.

**25115. Butter.** (F.D.C. No. 41120. S. No. 37-155 P.)

QUANTITY: 24 64-lb. cubes and 39 lbs. at Peoria, Ill.

SHIPPED: On 8-20-58, 39 cans of decomposed cream were shipped from various places in Iowa.

RESULTS OF INVESTIGATION: The decomposed cream was used in the manufacture of the butter.

LIBELED: 9-2-58, S. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 9-30-58. Consent—claimed by Sugar Creek Creamery, Div. of National Dairy Products Corp., Peoria, Ill., and reworked into butter oil.

**25116. Butter.** (F.D.C. No. 41118. S. No. 37-156 P.)

QUANTITY: 2,312 lbs. at Galva, Ill.

SHIPPED: On 8-21-58, 85 ctns. of decomposed cream were shipped from various places in Arkansas, Indiana, Iowa, Kentucky, Mississippi, Missouri, Nebraska, and Tennessee.

RESULTS OF INVESTIGATION: The decomposed cream was used in the manufacture of the butter.

LIBELED: 9-17-58, S. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 9-30-58. Consent—claimed by Galva Creamery Co., Galva, Ill., and converted into butter oil.

## CHEESE

**25117. Cheddar cheese.** (F.D.C. No. 41928. S. No. 34-225 P.)

**QUANTITY:** 80 41½-lb. cubes at Philadelphia, Pa.

**SHIPPED:** 6-8-58, from De Kalb Junction, N.Y., by De Kalb Creameries, Inc.

**LIBELED:** 7-16-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—when shipped, contained plant and manure fragments, and filth-contaminated milk had been used in the preparation of the article.

**DISPOSITION:** 11-5-58. Default—destruction.

## EGGS

**25118. Frozen eggs.** (F.D.C. No. 41769. S. No. 69-246 M.)

**INFORMATION FILED:** 8-5-58, Dist. N.J., against Seymour Goldsman and Leon Goldsman, partners in the partnership of Mountainside Butter & Egg Co., Elizabeth, N.J.

**SHIPPED:** 8-19-57, from New Jersey to New York.

**LABEL IN PART:** (Can) "Whole Eggs Packed for Quality Egg Co. 171 Duane Street New York, N.Y."

**CHARGE:** 402(a)(3)—contained decomposed eggs; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 12-30-58. Each defendant fined \$100.

**25119. Frozen eggs (3 seizure actions).** (F.D.C. Nos. 42120, 42130, 42143. S. Nos. 9-666/7 P, 9-743 P, 9-752 P.)

**QUANTITY:** 1,461 30-lb. cans at Buffalo, N.Y.

**SHIPPED:** Between 8-20-58 and 9-11-58, from Ashtabula, Ohio, by Ashtabula Poultry Co.

**LIBELED:** Between 9-16-58 and 10-13-58, W. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained decomposed eggs when shipped.

**DISPOSITION:** 10-20-58 and 11-12-58. Consent—claimed by Ashtabula Poultry Co. Segregated; 375 cans denatured.

## FISH AND SHELLFISH

**25120. Canned anchovies (4 seizure actions).** (F.D.C. Nos. 41484, 41485, 41497, 41498. S. Nos. 33-993 P, 34-259/60 P, 35-482/3 P.)

**QUANTITY:** 216 cases, 100 2-oz. cans each, of flat fillets, and 116 cases, 100 2-oz. cans each, of rolled fillets, at Philadelphia, Pa., and 200 2-oz. cans of flat fillets at Upper Darby, Pa.

**SHIPPED:** 1-20-58, from Olhao, Portugal, by F. Cocco, LDA.

**LABEL IN PART:** (Can) "Barreta Brand Flat Fillets of Anchovies" and "Barreta Brand Rolled Fillets of Anchovies with Capers."

**LIBELED:** 3-31-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained rodent hairs and insect fragments when shipped.

**DISPOSITION:** 7-11-58. Consent—claimed by S. H. Levin's Sons, Philadelphia, Pa. Released to claimant for reexportation to Portugal.



**25121. Frozen haddock fillets.** (F.D.C. No. 41900. S. No. 7-747 P.)

**QUANTITY:** 55 ctns. at Boston, Mass.

**SHIPPED:** The fillets were prepared and packed from fish caught in the waters of the Atlantic Ocean outside the limits of Massachusetts by the fishing vessel "Arlington" and landed at Boston, Mass., on 6-9-58.

**LABEL IN PART:** (Ctn.) "Haddock 10 Lbs. Net Weight" and (insert label) "Viking Frosted \* \* \* Haddock To be weighed at time of sale Packed by Viking Fisheries, Inc. 27 Fish Pier, Boston, Mass."

**LIBELED:** 6-30-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped; and 403(a)—the label was false and misleading in that it stated the name of the packer to be Viking Fisheries, Inc., whereas the article was packed by Deep Sea Fisheries.

**DISPOSITION:** 8-18-58. Default—consumption by animals.

**25122. Fresh crabmeat.** (F.D.C. No. 42115. S. Nos. 28-828/9 P.)

**QUANTITY:** 20 boxes, 60 1-lb. tins each, at New Orleans, La.

**SHIPPED:** 1-15-58, from Pascagoula, Miss., by Pascagoula Crab Co.

**LIBELED:** 9-10-58, E. Dist. La.

**CHARGE:** 402(a)(3)—contained decomposed crabmeat when shipped.

**DISPOSITION:** 11-10-58. Default—destruction.

**25123. Frozen shrimp.** (F.D.C. No. 42040. S. No. 29-581 P.)

**QUANTITY:** 19 cases, each containing 20 3-lb. ctns., at New Orleans, La.

**SHIPPED:** 6-10-58, from Brownsville, Tex., by Brownsville Shrimp Exchange.

**LABEL IN PART:** (Ctn.) "Product of Mexico Deveined Small 3 Lbs."

**LIBELED:** 7-3-58, E. Dist. La.

**CHARGE:** 402(a)(3)—contained decomposed shrimp when shipped; 403(e)—the label failed to bear (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents (the article was short weight); and 403(i)(1)—the label failed to bear the common or usual name of the food.

**DISPOSITION:** 8-27-58. Default—destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**25124. Canned prunes.** (F.D.C. No. 42064. S. No. 37-571 P.)

**QUANTITY:** 120 cases, 6 7-lb. 3-oz. cans each, at St. Louis, Mo.

**SHIPPED:** 6-11-58, from San Jose, Calif., by Richmond Chase Co.

**LABEL IN PART:** (Can) "Haase's Brand \* \* \* Prunes."

**LIBELED:** 7-22-58, E. Dist. Mo.

**CHARGE:** 402(a)(3)—contained insects, insect parts, and insect excreta when shipped.

**DISPOSITION:** 8-22-58. Default—destruction.

## DRIED FRUIT

**25125. Dried apricots.** (F.D.C. No. 42047. S. No. 41-654 P.)

QUANTITY: 32 cases at Portland, Oreg.

SHIPPED: 6-2-58, from San Jose, Calif., by Richmond Chase Co.

LABEL IN PART: "25 Lbs. Net Heart's Delight Brand \* \* \* Dried Apricots."

LIBELED: 7-15-58, Dist. Oreg.

CHARGE: 402(a)(3)—contained rodent excreta, rodent hairs, insects, and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 9-10-58. Default—destruction.

**25126. Dried peaches.** (F.D.C. No. 42046. S. No. 19-784 P.)

QUANTITY: 62 cases, 24 12-oz. bags each, at Oklahoma City, Okla.

SHIPPED: 6-4-58, from Cupertino, Calif., by Paul A. Mariani Co.

LABEL IN PART: (Case) "Glenview Fancy Peaches"; (bags) "Town House California Dried Large Peaches Safeway Stores, Incorporated, Distributor" or "Glenview Brand California Dried Large Peaches."

LIBELED: 7-9-58, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insects, insect excreta, and rodent hair fragments when shipped.

DISPOSITION: 9-11-58. Default—consumption by animals.

## VEGETABLES AND VEGETABLE PRODUCTS

**25127. Dried beans.** (F.D.C. No. 42138. S. No. 40-183 P.)

QUANTITY: 290 100-lb. bags at Menlo Park, Calif., in possession of Heublein, Inc.

SHIPPED: 4-11-57, from Moscow, Idaho.

LIBELED: 10-10-58, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-28-58. Default—consumption by animals.

**25128. Dried black-eyed peas and dried Great Northern beans.** (F.D.C. No. 42079. S. Nos. 29-573/4 P.)

QUANTITY: 240 100-lb. bags of black-eyed peas and 137 100-lb. bags of Great Northern beans at Athens, Tex.

SHIPPED: 5-2-58 and 6-3-58, from Sterling, Colo., and Los Angeles, Calif.

LIBELED: 8-7-58, E. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect excreta.

DISPOSITION: 10-8-58. Consent—claimed by Athens Canning Co. Segregated; all of the black-eyed peas and 2,300 lbs. of the Great Northern beans were denatured for use as animal feed.

**25129. Salt brine stock cucumbers.** (F.D.C. No. 42095, S. No. 19-959 P.)

QUANTITY: 24 50-gal. bbls. at Omaha, Nebr.

SHIPPED: 7-14-58, from Wattenberg, Colo., by Haarmann Pickle Co.

LIBELED: 8-22-58, Dist. Nebr.



CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 9-5-58. Default—destruction.

**25130. Pickles.** (F.D.C. No. 42080. S. No. 25-482 P.)

QUANTITY: 2 tanks containing 180 bushels at Bettendorf, Iowa, in possession of Bettendorf Pickle & Vinegar Co.

SHIPPED: 4-7-58, from Neshkoro, Wis.

LIBELED: On or about 8-7-58, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained insects, insect parts, bird parts, bird feathers, and decomposed pickles, and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-11-58. Default—destruction.

**25131. Pickles in pickle brine.** (F.D.C. No. 42013. S. No. 25-492 P.)

QUANTITY: 3,593 bu. in pickle brine in tanks at Keokuk, Iowa, in possession of Glaser, Crandell Co.

SHIPPED: On unknown dates, from Unionville, Mo., and Spring Lake and Copemish, Mich.

RESULTS OF INVESTIGATION: Examination disclosed that the pickle brine contained insects and insect parts.

LIBELED: 9-2-58, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-9-58. Consent—claimed by Glaser, Crandell Co. Segregated; 24,749 lbs. (495 bu.) destroyed.

## TOMATOES AND TOMATO PRODUCTS

**25132. Canned tomatoes.** (F.D.C. No. 41958. S. No. 38-038 P.)

QUANTITY: 958 cases, 24 1-lb. cans each, at East St. Louis, Ill.

SHIPPED: 6-13-58, from Donna, Tex., by Knapp-Sherrill Co.

LABEL IN PART: (Can) "Iona Tomatoes \* \* \* The Great Atlantic & Pacific Tea Co., New York, N.Y. Distributors."

LIBELED: 7-30-58, E. Dist. Ill.

CHARGE: 403(h)(1)—the quality of the article, when shipped, fell below the standard of quality for canned tomatoes since (a) the article failed to meet the specifications for strength and redness of color prescribed by the standard, (b) the article contained excessive tomato peel, and (c) the article contained excessive blemishes, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: 11-3-58. Default—delivered to a charitable institution for its use and not for sale.

**25133. Tomato juice.** (F.D.C. No. 42091. S. No. 20-841 P.)

QUANTITY: 224 cases, 12 1-qt. 14-oz. cans each, at Lawton, Okla.

SHIPPED: 6-18-58, from McAllen, Tex., by Southern Foods Canning Co.

LABEL IN PART: (Case) "No. 404 Reagan's Tomato Juice"; (can) "Tomato Juice Packed by Southern Foods Canning Company—Reagan's Brand."

LIBELED: 8-15-58, W. Dist. Okla.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 9-15-58. Default—consumption by animals.

**25134. Tomato juice.** (F.D.C. No. 42140. S. No. 21-898 P.)

QUANTITY: 177 cases, 12 1-qt. 14-oz. cans each, at Tulsa, Okla.

SHIPPED: 6-16-58, from McAllen, Tex., by Southern Foods Canning Co.

LABEL IN PART: (Can) "Tomato Juice Reagan's Brand."

LIBELED: 10-8-58, N. Dist. Okla.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 10-29-58. Default—destruction.

**25135. Tomato juice.** (F.D.C. No. 41694. S. No. 19-373 P.)

QUANTITY: 896 cases, 24 13½-oz. cans each, at Amarillo, Tex.

SHIPPED: 3-6-58, from Brighton, Colo., by Kuner-Empson Co.

LABEL IN PART: (Can) "Kuner's Tomato Juice."

LIBELED: 6-12-58, N. Dist. Tex.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 10-16-58. Consent—claimed by Kuner-Empson Co. Segregated;  
271 cases, plus 17 cans, destroyed.

## NUTS

**25136. Cashew nuts.** (F.D.C. No. 41254. S. No. 83-709 M.)

QUANTITY: 5 25-lb. ctns. at Bloomington, Ill.

SHIPPED: On an unknown date, from outside the United States, by an unknown shipper.

LIBELED: 12-30-57, S. Dist. Ill.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 2-27-58. Default—destruction.

**25137. Shelled peanuts.** (F.D.C. No. 41962. S. No. 1-405 P.)

QUANTITY: 125 125-lb. bags at Atlanta, Ga., in possession of Atlanta Cold Storage.

SHIPPED: 1-22-58, from Elizabethtown, N.C.

LIBELED: 7-31-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent excreta and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-3-58. Consent—claimed by Crown Candy Co., Inc., Atlanta, Ga. Segregated; 162 lbs. destroyed.

**25138. Shelled peanuts.** (F.D.C. No. 42056. S. Nos. 15-506/7 P.)

QUANTITY: 97 119-lb. bags at Columbus, Ohio.

SHIPPED: 5-2-58, from Fitzgerald, Ga., by Dixie Peanut Co.

LIBELED: 7-21-58, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 8-14-58. Consent—claimed by E. J. Griffith & Son, Inc., Columbus, Ohio. Segregated; 560 lbs. destroyed.



**25139. Shelled peanuts. (F.D.C. No. 42112. S. Nos. 15-919 P, 15-922 P.)**

**QUANTITY:** 94 bags, 116 lbs. each, and 13 bags, 115 lbs. each, at Indianapolis, Ind.

**SHIPPED:** 7-9-58 and 8-15-58, from Norfolk, Va., and Ahoskie, N.C.

**LIBELED:** 9-15-58, S. Dist. Ind.

**CHARGE:** 402(a)(3)—contained insects, insect larvae, and rodent pellets while held for sale.

**DISPOSITION:** 10-7-58. Consent—claimed by Peak Nut Co., Indianapolis, Ind. Segregated; 2,059 lbs. destroyed.

**25140. Peanut culls (shelled). (F.D.C. No. 42116. S. No. 39-359 P.)**

**QUANTITY:** 19 100-lb. bags at San Francisco, Calif.

**SHIPPED:** Between 2-11-58 and 3-14-58, from Suffolk, Va.

**LIBELED:** 9-18-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained moldy, rancid nuts while held for sale.

**DISPOSITION:** 10-14-58. Default—destruction.

**25141. Unshelled peanuts. (F.D.C. No. 42139. S. No. 26-591 P.)**

**QUANTITY:** 7 100-lb. bags at Minot, N. Dak.

**SHIPPED:** 10-14-57, from Suffolk, Va.

**LIBELED:** 10-10-58, Dist. N. Dak.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-5-58. Default—destruction.

**25142. Unshelled peanuts. (F.D.C. No. 42119. S. No. 41-791 P.)**

**QUANTITY:** 5 100-lb. bags at Lewiston, Idaho.

**SHIPPED:** Between 1-15-58 and 3-3-58, from Spokane, Wash.

**LIBELED:** 9-17-58, Dist. Idaho.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 10-9-58. Default—destruction.

**25143. Shelled pecans. (F.D.C. No. 42096. S. No. 15-521 P.)**

**QUANTITY:** 169 ctns. at Cincinnati, Ohio.

**SHIPPED:** 7-25-58, from Orangeburg, S.C., by Orangeburg Pecan Co.

**LABEL IN PART:** "Pecanway Nut Meats \* \* \* 30 Lb. Net Small Pieces."

**LIBELED:** 8-19-58, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 9-3-58. Consent—claimed by Orangeburg Pecan Co. Segregated; 217 lbs. denatured for use as animal feed.

**25144. Shelled pecans. (F.D.C. No. 42094. S. No. 26-577 P.)**

**QUANTITY:** 9 30-lb. cases at Minneapolis, Minn.

**SHIPPED:** 5-6-58, from Wynne Wood, Okla.

**LIBELED:** 8-19-58, Dist. Minn.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 10-22-58. Default—consumption by animals.

**25145. Shelled walnuts. (F.D.C. No. 42069. S. No. 25-952 P.)**

**QUANTITY:** 8 55-lb. boxes at Watertown, S. Dak.

SHIPPED: 6-6-58, from New York, N.Y.

LIBELED: 7-29-58, Dist. S. Dak.

CHARGE: 402(a)(3)—contained moldy nuts while held for sale.

DISPOSITION: 8-29-58. Default—destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**25146. Chili pods.** (F.D.C. No. 42110. S. No. 24-332 P.)

QUANTITY: 7 100-lb. bags, at Torrance, Calif., in possession of Farmer Brothers Co. Warehouse.

SHIPPED: On an unknown date, from Japan.

LIBELED: 9-10-58, S. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent pellets, rodent hairs, and insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-1-58. Default—destruction.

**25147. Coriander seed.** (F.D.C. No. 42066. S. No. 37-103 P.)

QUANTITY: 32 85-lb. bags at St. Louis, Mo.

SHIPPED: 5-22-58, from New York, N.Y.

LIBELED: 7-24-58, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects, insect excreta, and insect-damaged seeds while held for sale.

DISPOSITION: 8-26-58. Default—destruction.

**25148. Ginger root.** (F.D.C. No. 42003. S. No. 30-054 P.)

QUANTITY: 34 125-lb. bags at New York, N.Y.

SHIPPED: 3-21-56, from India.

LIBELED: 9-8-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects and insect-damaged ginger root while held for sale.

DISPOSITION: 10-15-58. Consent—claimed by Overseas Produce Corp., New York, N.Y. Segregated; 511 lbs. destroyed.

**25149. Mustard seed.** (F.D.C. No. 42133. S. No. 25-965 P.)

QUANTITY: 326 100-lb. bags at Chaska, Minn., in possession of M. A. Gedney Co.

SHIPPED: Between 3-18-58 and 3-20-58, from Sunburst, Mont.

LIBELED: 10-23-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-4-58. Consent—claimed by M. A. Gedney Co. Segregated; 2,800 lbs. destroyed.

**25150. Salt.** (F.D.C. No. 42104. S. No. 25-495 P.)

QUANTITY: 30,000 lbs. at Grand Marsh, Wis., in possession of Squire Dingee Salting Station.

SHIPPED: Summer 1957, from Manistee, Mich.

LIBELED: 8-27-58, W. Dist. Wis.



CHARGE: 402(a)(3)—contained rodent urine, rodent excreta, and insect parts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-13-58. Default—mixed with sand, for use on highways.

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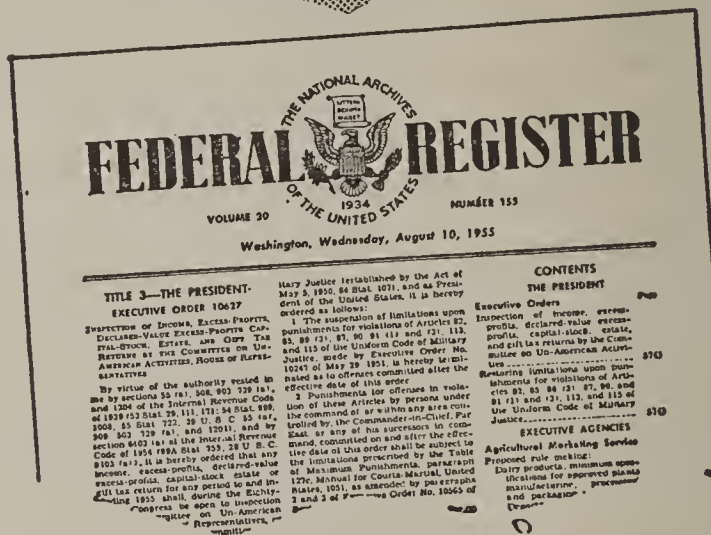
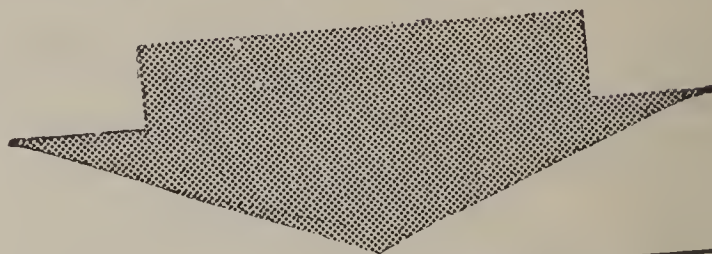


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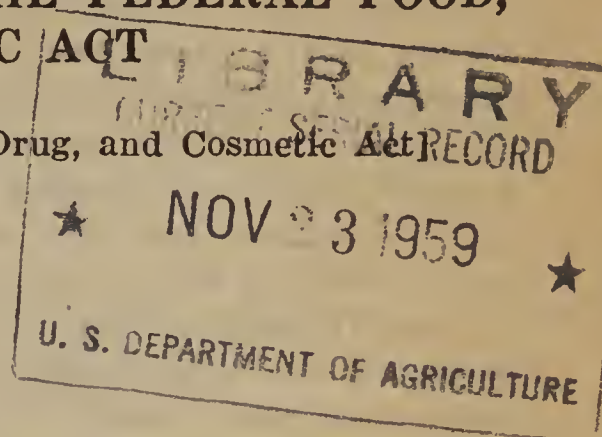
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

25151-25250

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) injunction proceedings terminated upon the entry of a permanent injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *October 29, 1959*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 25151-25250**

*Adulteration*, Section 402(a) (2), the article, in one case, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in three cases, the article was a raw agricultural commodity, and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or such tolerance had been so prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(c), the article was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(h), the article purported to be and was represented as a food for which (1) a standard of quality or (2) a standard of fill of container had been prescribed by regulations and the article fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food; and (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403(k), the article contained an artificial flavoring, and it failed to bear labeling stating that fact.

## **BEVERAGES AND BEVERAGE MATERIALS**

25151. Wine. (F.D.C. No. 42054. S. No. 23-905 P.)

QUANTITY: 82 cases, 12 btls. each, at Los Angeles, Calif.

SHIPPED: 4-28-58, from Paris, France.



**RESULTS OF INVESTIGATION:** The article represented a portion of a shipment which was stored in the hold of the SS Loch Garth. The storage area had flooded when the ship's water main broke, immersing the article in dirty water.

Examination showed that the article was contained in water-damaged cases, bottles, and jugs.

**LIBELED:** 7-24-58, S. Dist. Calif.

**CHARGE:** 402(a)(4)—held under insanitary conditions whereby the article may have become contaminated with filth due to having been immersed in dirty water.

**DISPOSITION:** 8-14-58. Default—destruction.

**25152. Carbonated grape wine.** (F.D.C. No. 42052. S. No. 23-691 P.)

**QUANTITY:** 72 cases, 12  $\frac{4}{5}$ -qt. jugs each, at Los Angeles, Calif.

**SHIPPED:** 2-28-58, from Rotterdam, Holland.

**LABEL IN PART:** (Jug) "Product of Portugal — Lancers A Rose Carbonated Grape Wine Vintage 1953 — Lisbon, Portugal."

**RESULTS OF INVESTIGATION:** The article represented the damaged portion of a lot of 222 cases which was stored in the hold of the SS Loch Garth. The article was stored upright and upside down in a locker which was flooded by water from a broken ship waterline, resulting in the cases being immersed in blackened, floor-washed water.

Examination showed that some of the cases were completely water-soaked and falling apart. Some of the bottles were covered with a black slime, labels were damaged, mold had grown over the bottles and around the necks, and some of the lead seals around the top of the bottles were loose.

**LIBELED:** 7-23-58, S. Dist. Calif.

**CHARGE:** 402(a)(3)—the article was unfit for food by reason of having been contaminated with dirty water; and 402(a)(4)—the article had been held under insanitary conditions due to having been immersed in dirty water.

**DISPOSITION:** 8-27-58. Default—destruction.

**25153. Carbonated grape wine.** (F.D.C. No. 42053. S. No. 23-904 P.)

**QUANTITY:** 22 cases, 12  $\frac{4}{5}$ -qt. jugs each, and 3 cases, 24  $\frac{4}{5}$ -pt. btls. each, at Los Angeles, Calif.

**SHIPPED:** 4-28-58, from Lisbon, Portugal.

**LABEL IN PART:** (Jug and btl.) "Product of Portugal—Lancers A Rose Carbonated Grape Wine—Vintage 1953—Lisbon, Portugal."

**RESULTS OF INVESTIGATION:** The article represented a portion of a shipment which was stored in the hold of the SS Loch Garth. The storage area was flooded when a ship's water main broke, immersing the article in dirty water.

Examination showed that the article was contained in water-damaged cases, bottles, and jugs.

**LIBELED:** 7-24-58, S. Dist. Calif.

**CHARGE:** 402(a)(4)—the article had been held under insanitary conditions due to having been immersed in dirty water.

**DISPOSITION:** 8-27-58. Default—destruction.

**25154. Coffee.** (F.D.C. No. 41547. S. No. 1-176 P.)

**QUANTITY:** 382 1-lb. cans at Columbia, S.C.

SHIPPED: 1-31-58, from Charlotte, N.C., by Charlotte Salvage Co.

RESULTS OF INVESTIGATION: The coffee was part of a truck shipment which was submerged in a lake in North Carolina due to an accident in which the truck ran into the lake.

LIBELED: 5-12-58, E. Dist. S.C.

CHARGE: 402(a)(3)—contained dirty lake water and was otherwise unfit for food by reason of its having been submerged in lake water; and 402(a)(4)—held under insanitary conditions in the lake.

DISPOSITION: 7-29-58. Default—destruction.

25155. Green coffee. (F.D.C. No. 41508. S. No. 30-139 P.)

QUANTITY: 2 150-lb. bags at New York, N.Y.

SHIPPED: Prior to January 1958, from Colombia.

LIBELED: 4-17-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained dirt, debris, and pieces of glass while held for sale.

DISPOSITION: 7-7-58. Default—destruction.

25156. Green coffee. (F.D.C. No. 42006. S. No. 31-777 P.)

QUANTITY: 17 135-lb. bags at New York, N.Y.

SHIPPED: 8-12-58, from Guatemala.

LIBELED: 9-12-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained moldy coffee beans while held for sale.

DISPOSITION: 11-7-58. Consent—claimed by Schwabach & Co., New York, N.Y. Segregated; 90 lbs. destroyed.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL\*

25157. Cornmeal and flour. (F.D.C. No. 41153. S. Nos. 65-096 M, 82-863 M, 82-868 M, 82-871/2 M.)

INFORMATION FILED: 5-5-58, E. Dist. Ky., against the Dorsel Co., a corporation, Newport, Ky., and Norbert J. Dorsel, president.

SHIPPED: Between 5-21-57 and 7-31-57, from Kentucky to Ohio.

LABEL IN PART: (Bag) "5 lbs. net Dorsel's White CORN MEAL" or "25 [or '2' or '5'] lbs. net Dorsel's Seal of Kentucky Flour" or "2 lbs. net Dorsel's Self-Rising Flour."

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Corporation—guilty; individual—nolo contendere.

DISPOSITION: 9-22-58. Corporation—\$250 fine, plus one-half the costs; individual—\$1 fine, plus one-half the costs.

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\*See also No. 25158.



## FLOUR\*

**25158. Flour, corn flour, white cornmeal, white cornmeal mix, buttermilk pancake mix, egg noodles and breading mix.** (F.D.C. No. 41985. S. Nos. 36-977 P, 36-979 P, 36-988/9 P, 36-991/4 P, 36-996/8 P, 37-000/4 P.)

**QUANTITY:** 24 100-lb. bags, 15 bales, 2 25-lb. bags each, 30 bales, 10 2-lb. bags each, and 212 25-lb. bags, of flour; 18 10-lb. bags of corn flour; 5 bales, 25 2-lb. bags each, and 19 cases, 5 10-lb. bags each, of white cornmeal; 58 2-lb. bags, 5 bales, 5 10-lb. bags each, and 7 bales, 10 5-lb. bags each, of white cornmeal mix; 31 cases, 12 2-lb. 4-oz. boxes each, of buttermilk pancake mix; 17 cases, 12 6-oz. pkgs. each, and 5 cases, 24 7-oz. pkgs. each, of egg noodles; and 5 cases, 10 5-lb. pkgs. each, of breading, at Memphis, Tenn., in possession of Clayton-Brown Co., Inc.

**SHIPPED:** Between 10-1-57, and 7-15-58, from St. Joseph and St. Louis, Mo., Mt. Vernon, Ind., Chicago, Ill., and Omaha, Nebr.

**LIBELED:** 8-15-58, W. Dist. Tenn.

**CHARGE:** 402(a) (3)—212 bags of flour contained rodent urine, and all other lots contained insects; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 9-5-58. Consent—claimed by Clayton-Brown Co., Inc., 32 bags of flour released as good; 181 bags of flour, and all other lots, denatured for use as animal feed.

**25159. Flour.** (F.D.C. No. 41744. S. No. 76-973 M.)

**INFORMATION FILED:** 10-20-58, M. Dist. Ga., against the Timberlake Grocery Co. of Thomasville, a corporation, Thomasville, Ga.

**ALLEGED VIOLATIONS:** Between 3-8-57 and 6-7-57, the defendant caused a quantity of flour, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects and rodents, and to be exposed to contamination by insects and rodents.

**CHARGE:** 402(a) (3)—contained insects, rodent urine, and rodent excreta; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 11-19-58. \$200 fine.

**25160. Flour and Donut mix.** (F.D.C. No. 42088. S. Nos. 15-443/4 P.)

**QUANTITY:** 13 100-lb. bags of flour, and 23 100-lb. bags of Donut mix, at Hamilton, Ohio, in possession of Milillo Baking Co.

**SHIPPED:** 5-31-58 and 6-11-58, from Minneapolis, Minn., and Jackson, Mich.

**LIBELED:** 8-14-58, S. Dist. Ohio.

**CHARGE:** 402(a) (3)—contained insects and rodent excreta pellets (flour) and mouse hairs (Donut mix); and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 9-24-58. Default—destruction.

**25161. Flour.** (F.D.C. No. 42107. S. No. 29-073 P.)

**QUANTITY:** 100 25-lb. bags at New Orleans, La.

**SHIPPED:** 7-31-58, from New Braunfels, Tex., by H. Dittlinger Roller Mills Co.

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\*See also Nos. 25157, 25158, 25178, 25185, 25197.

**LABEL IN PART:** (Bag) "Bewleys' Best Enriched Flour Bewley Mills Fort Worth, Tex."

**LIBELED:** 8-28-58, E. Dist. La.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 10-13-58. Default—destruction.

**25162. Flour.** (F.D.C. No. 42002. S. No. 34-799 P.)

**QUANTITY:** 32 100-lb. bags, at Philadelphia, Pa., in possession of Paragon Supply Co.

**SHIPPED:** 7-8-58, from Buffalo, N.Y.

**LIBELED:** 8-28-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 11-5-58. Default—destruction.

**25163. Corn flour.** (F.D.C. No. 42001. S. Nos. 8-002/3 P, 8-006 P.)

**QUANTITY:** 338 100-lb. bags at Lynn, Mass.

**SHIPPED:** Between 3-3-58 and 7-30-58, from Wilkes-Barre, Pa., Milwaukee, Wis., and Chicago, Ill.

**LIBELED:** 8-22-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-24-58. Consent—claimed by Frank T. Howard Corp., Lynn, Mass., and denatured for use as animal feed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**25164. Wheat.** (Inj. No. 332.)

**COMPLAINT FOR INJUNCTION FILED:** 5-5-58, Dist. S. Dak., against South Dakota Wheat Growers Association, a corporation, Aberdeen, S. Dak., and Charles W. Croes, general manager and treasurer.

**CHARGE:** The complaint alleged that the defendants operated grain elevators at Nahon, Plana, Randolph, Takoma Park, and Verdon, S. Dak.; that the elevators which were of wood construction with crib-type bins were open only during harvest season, and when specific shipments were being loaded out or being received; that at all other times the elevators were closed, and there were no local managers on the premises; that the defendants were engaged in storing and distributing wheat for human consumption; and that the defendants had been and were at the time of filing the complaint causing to be introduced and delivered for introduction into interstate commerce, wheat which was adulterated within the meaning of 402(a)(3) and (4) by reason of contamination with rodent, insect, and bird filth, and by reason of being held under insanitary conditions at the defendants' elevators and annexes at the above-mentioned places.

It was alleged further that the insanitary conditions resulted from and consisted of the following:

Nahon Elevator No. 1—bird and rodent excreta pellets and static grain to a depth of  $\frac{1}{2}$  inch in the driveway; rodent holes in the outside elevator walls, rodent-gnawed holes into the side of the elevator from the outside, and rodent

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\*See also Nos. 25158, 25160, 25197, 25211, 25228.



tunneling into the dirt outside the elevator walls; a dead mouse in the static grain on the first floor, and rodent pellets over the entire first floor; dead mice, large animal or human excreta, rodent pellets, and two inches of static grain over the entire floor of a storage bin; rodent pellets and rodent trails on the surface of the stored wheat in bins; a rodent nest on the surface of stored wheat, and a dead cat, a dead rat, dead mice, rodent tunnels, and static grain underneath the elevator.

Nahon Elevator No. 2—a dead mouse, live birds, and rodent pellets and bird excreta over the entire first floor; rodent pellets on the landings of the stairs between the first floor and headhouse; rodent pellets on the floor of the headhouse; a dead mouse, a live mouse, rodent pellets, rodent tunneling, and rodent trails on the surface of the stored wheat; and rodent holes in the walls of grain bins; dead mice and rodent pellets on the floor of a grain bin; and a rodent runway in the dust on the top of the crib wall of a grain bin.

Nahon Elevator No. 3—a dead bird, dead mice, a live bird, rodent pellets, and up to one foot of static grain covered with rodent excreta and bird excreta in a large hopper bin underneath an overhead chute on the first floor; bird excreta pellets and static grain and dust up to one-half inch deep on the gallery floor; a live bird, rodent pellets, and bird excreta on the floor and ledges up to a depth of two inches in the headhouse; rodent pellets and rodent tracks on the surface of the stored grain; a dead bird on the surface of stored grain; and a dead cat and piles of static oats underneath the elevator.

Plana Elevators No. 1 and 2 and attached annex—rodent and bird excreta pellets over the entire first floor, and bird excreta pellets also on the elevator scales in Elevator No. 1; rodent pellets, insect skins, and static grain and dust up to one-quarter inch deep over the entire headhouse floor of Elevator No. 1; rodent pellets and large animal or human excreta in the gallery of Elevator No. 1; rodent pellets on the surface of wheat and on the ledge along the side of a grain bin, and live mice on the surface of the stored grain in Elevator No. 1; the presence of rodent pellets on the floor, bird excreta pellets on the ledge, and static grain and dust up to two inches deep around the openings to the bin chutes in the headhouse of Elevator No. 2, as well as rodent pellets on the surface of the grain in the bins of such elevator; an extremely penetrating odor of skunk underneath the elevators; the presence of openings along the top and between the centers of the driveway doors, live birds flying over the wheat, and rodent pellets on the surface of the wheat in the annex.

Randolph Elevator No. 1 and annex—dead mice and rodent excreta pellets on the first floor; static wheat and dust up to four inches deep covering the entire floor area of the headhouse, along with insect runs and rodent pellets; live and dead mice, rodent pellets, rodent entry holes in the walls, and rodent pellets on the sill over a grain bin; a dead rat, rodent tunnel holes, and stacks of static wheat with rodent tunneling underneath the elevator; rat pellets on the surface of the wheat inside the annex, and a dead rat, dead mice, and rodent pellets between the inner and outer walls of the annex.

Randolph Elevator No. 2—static wheat, dead mice, rodent pellets, and animal or human filth on the first floor; rodent pellets and bird pellets around the walls, all walkways and ledges over bins, the ledge at the junction of the roof and the wall, and on the floor area of the headhouse; and rodent pellets on the surface of the stored wheat.



Takoma Park Elevator—openings along the bottom of both doors about one-half inch wide offering access to rodents; a hole in the inside south wall on the first floor leading to rodent tunneling in the outside wall, with the floor underneath the hole covered with rodent pellets, bait, and miscellaneous debris; dead mice, rodent pellets, and static grain throughout the entire first floor and on the clipper type cleaner; static grain up to one inch deep on the floor of the headhouse with rodent pellets and rodent trails through the static grain; a rodent runway leading to a drive motor, and rodent-gnawed holes in 2'' x 6'' studs leading to the wall in the headhouse; a mouse nest and a live mouse in static grain in a hopper scale; rodent runways along the north wall, rodent-gnawed holes in 2'' x 6'' studs, and rodent pellets and insect skins on the gallery floor; dead rodents, some partially consumed, rodent pellets and rodent trails on the surface of stored wheat; rodent holes in the walls of grain bins; a badly cracked concrete foundation allowing easy access to rodents; static grain up to four inches deep underneath the elevator with numerous rodent tunnels into the ground, and openings on the top of the front and back pits with a rodent hole into the back pit underneath the elevator.

Verdon Elevator No. 1—live birds flying through the building, bird nests at the junction of the wall and the roof of the building outside, and openings between the top of the doors and the wall; bird pellets over the entire first floor and near the manlift; rodent pellets and a dead mouse on the first floor, and up to one foot of static grain with a mouse nest and a dead mouse in a hopper-type scale on the first floor; rodent pellets and rodent trails on the surface of the wheat stored in bins with rodent holes in the bin walls; rodent tunneling, musty wheat, and dead mice on the surface of stored wheat; rodent pellets, bird pellets, insect skins, and static dust up to a depth of one-half inch over the entire headhouse floor; and bird feathers, bird excreta, rodent pellets and about 50 bushels of static grain in the front dump pit.

Verdon Elevator No. 2—openings above the door, live birds, bird excreta, and rodent pellets in the driveway; rodent pellets inside the scale box and all over the first floor; live rodents, rodent pellets, and rodent trails on the surface of the wheat stored in the bins; rodent holes in the walls of grain bins; an opening in the side of the back dump pit providing access to rodents; static grain up to a depth of one foot in the front dump pit; a dead rat, a dead cat, rodent tunnels into the dirt, rodent pellets, and two piles of static wheat underneath the elevator; a dead cat near the north outside wall; dead cats, a live rat, many pieces of tin, and other debris in the area immediately surrounding the elevator; and rodent tunneling around the elevator, and a rodent hole in the outside east wall of the elevator about five feet above the grain.

**DISPOSITION:** 5-15-58. The defendants having consented, the court entered a decree of permanent injunction enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce, wheat, for human consumption, held in the defendants' elevators and annexes at Nahon, Plana, Randolph, Takoma Park, and Verdon, S. Dak., unless and until the following acts were done:

(a) the elevators and annexes were thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption, and all rodent, bird, animal, and insect filth, and accumulations of static grain and dust were removed from the elevators and annexes, and all equipment used in storing such wheat was cleaned; all rodent, bird, animal, and insect infestation was



eliminated and their means of ingress and egress to the elevators and annexes were closed; all dead animals were removed and any similar insanitary conditions were eliminated;

(b) all of the wheat for human consumption on hand in the Takoma Park and Verdon elevators was inspected by a representative of the Food and Drug Administration, a detailed report of the conditions of the wheat was made to the court, and a further order of the court thereafter entered;

(c) an inspection was made of the defendants' elevators and annexes by a representative of the Food and Drug Administration and a report made to the court showing that the above-described insanitary conditions no longer existed.

**25165. Wheat. (Inj. No. 323.)**

**COMPLAINT FOR INJUNCTION FILED:** 1-21-58, Dist. S. Dak., against Cargill, Inc., a corporation, and Wallace S. Rislov, manager of the corporation's elevators at Claremont and Huffton, S. Dak.

**CHARGE:** The complaint alleged that the defendants were engaged at Claremont and Huffton, S. Dak., in storing and distributing wheat for human consumption, and that the defendants had been and were at the time of filing the complaint causing to be introduced and delivered for introduction into interstate commerce, at Claremont and Huffton, S. Dak., wheat, which was adulterated within the meaning of 402(a)(4) by reason of being held under insanitary conditions at the defendants' above-mentioned elevators whereby it may have become contaminated with filth.

It was alleged further that the insanitary conditions resulted from and consisted of the following:

Claremont Elevator No. 1 and attached annex—bins accessible to rodents, dead mice, rodent excreta pellets, granary weevils and other insects in and on the wheat, and rodent-gnawed holes and rodent tracks in headhouse of elevator; live mice and rodent nests inside the building; birds in the driveway inside the elevator; rodent excreta pellets and live granary weevils in and on the wheat in the open conveyor belt beneath the annex; dead mice beneath buildings; rodent excreta pellets and granary weevils in static wheat on ground beneath buildings; and rodent excreta pellets on the sill around top of annex.

Claremont Elevator No. 2 and annex—bins accessible to rodents; live mice inside building; birds and bird nests in headhouse and driveway inside the elevator; and dead rodents, rodent excreta pellets, and rodent tunneling underneath the building.

Huffton Elevator No. 1 and annex—bins accessible to rodents, and rodent excreta pellets in and on the wheat in the storage bins; dead mice on floor of headhouse; rodent holes at bottom of bins; rodent excreta pellets at bottom of bins and on sill in annex of elevator; live birds in headhouse and driveway inside the elevator; rodent nest on platform in feed warehouse in the annex; and static debris in the conveyor underneath the annex which was open and accessible to rodents and insects.

Huffton Elevator No. 2 and annex—bins accessible to rodents, dead mice, and rodent excreta pellets in and on the wheat; rodent excreta pellets on floor of headhouse and on main floor at bottom of the bins; rodent excreta pellets on sills of annex; birds in driveway inside the elevator; and weevils and other insects, and live rodents and rodent tracks in and on the wheat.



The complaint alleged further that the defendants were well aware that their activities were violative of the Act; that a carload of wheat had been previously seized under the Act because it was contaminated with rodent pellets; that a previous inspection had been made of the grain elevators at which time the insanitary conditions were called to the defendants' attention; and, that despite such warnings, the defendants continued to introduce into interstate commerce, wheat adulterated as specified above.

DISPOSITION: 1-21-58. The defendants having consented, the court entered a decree of permanent injunction enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce, wheat, for human consumption, held in the defendants' elevators and annexes at Claremont and Huffton, S. Dak., unless and until the following acts were done:

(a) the elevators and annexes were thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption, in such manner and to such extent as may be required to satisfy a representative of the Food and Drug Administration;

(b) all of the wheat for human consumption on hand in the elevators and annexes at the time the elevators and annexes were cleaned, renovated, and rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a representative of the Food and Drug Administration and thus brought into compliance with the provisions of the Act, with all costs of said supervision to be borne by the defendants; and

(c) an inspection was made of the defendants' elevators and annexes by a representative of the Food and Drug Administration, and a report made to the court showing that the insanitary conditions no longer existed and that the wheat described in paragraph (b) above had been destroyed, denatured, or brought into compliance with the law as provided in said paragraph (b) above, provided that removals and shipments of grain from said elevators and annexes might be made from time to time by the defendants upon first obtaining written permission from a representative of the Food and Drug Administration.

25166. Wheat. (F.D.C. No. 41956. S. No. 31-530 P.)

QUANTITY: 60,980 lbs. at Clifton, N.J.

SHIPPED: 7-17-58, from Auburn, N.Y., by Coop. G. L. F. Marketing Service, Inc.

LIBELED: 7-29-58, Dist. N.J.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 8-15-58. Consent—claimed by Coop. G. L. F. Exchange, Inc., Auburn, N.Y., and converted into chicken feed.

25167. Wheat. (F.D.C. No. 42093. S. No. 26-919 P.)

QUANTITY: 91,500 lbs. at Minneapolis, Minn.

SHIPPED: 7-28-58, from New Town, N. Dak., by Farmers Union Elevator of Sanish.

LIBELED: 8-19-58, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 9-10-58. Consent—claimed by Farmers Union Grain Terminal Association. Segregated; 2,980 lbs. converted into animal feed.



**25168. Wheat.** (F.D.C. No. 42118. S. No. 20-599 P.)

QUANTITY: 122,700 lbs. at Kansas City, Kans.

SHIPPED: 9-4-58, from Curtis, Nebr., by N. L. Johnson Grain Co.

LIBELED: 9-17-58, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 9-27-58. Consent—claimed by Rickel, Inc., Kansas City, Mo. Segregated; 4,980 lbs. denatured.

**25169. Wheat.** (F.D.C. No. 42117. S. Nos. 21-721/2 P.)

QUANTITY: 207,360 lbs. at Kansas City, Kans.

SHIPPED: 8-26-58, from Curtis, Nebr., by N. L. Johnson Grain Co.

LIBELED: 9-16-58, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent pellets when shipped; and 402(a)(4)—held under insanitary conditions prior to shipment.

DISPOSITION: 9-27-58. Consent—claimed by Rickel, Inc., Kansas City, Mo. Segregated; 10,360 lbs. denatured.

**25170. Wheat.** (F.D.C. No. 42076. S. No. 25-674 P.)

QUANTITY: 63,000 lbs. at Minneapolis, Minn.

SHIPPED: 7-24-58, from Gayville, S. Dak., by Bartlett & Co. Grain.

LIBELED: 8-5-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 8-6-58. Consent—claimed by Bartlett & Co. Grain, Kansas City, Mo. Segregated; 2,510 lbs. decharacterized for use as animal feed.

**25171. Wheat.** (F.D.C. No. 42070. S. No. 26-910 P.)

QUANTITY: 90,000 lbs. at Minneapolis, Minn.

SHIPPED: 7-19-58, from Lebanon, S. Dak., by Lebanon Equity Exchange.

LIBELED: 8-1-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 8-6-58. Consent—claimed by Lebanon Equity Exchange. Segregated; 8,110 lbs. were disposed of as screenings.

**25172. Wheat.** (F.D.C. No. 42083. S. No. 26-817 P.)

QUANTITY: 62,400 lbs. at Minneapolis, Minn.

SHIPPED: 8-4-58, from Manvel, N. Dak., by Manvel Farmers Union Elevator Co.

LIBELED: 8-13-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 8-25-58. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 1,930 lbs. converted into animal feed.

**25173. Wheat.** (F.D.C. No. 41935. S. No. 3-408 P.)

QUANTITY: 33,400 lbs. at Goldsboro, N.C.

SHIPPED: 6-9-58, from Norfolk, Va. This was a return shipment.

LIBELED: 7-18-58, E. Dist. N.C.

**CHARGE:** 402(a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 9-9-58. Consent—claimed by S. F. Ware and Co., Goldsboro, N.C., and converted into seed wheat.

**25174. Wheat.** (F.D.C. No. 42057. S. No. 41-780 P.)

**QUANTITY:** 110,000 lbs. at Spokane, Wash.

**SHIPPED:** 6-27-58, from Hysham, Mont., by Zent Elevator Co.

**LIBELED:** 7-18-58, E. Dist. Wash.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 10-2-58. Consent—claimed by McCabe Co., Spokane, Wash. Segregated; 2,000 lbs. ground for animal feed.

**25175. Wheat.** (F.D.C. No. 42132. S. No. 22-340 P.)

**QUANTITY:** 110,250 lbs. at Kansas City, Kans.

**SHIPPED:** 9-24-58, from Hiawatha, Kans., to St. Joseph, Mo., then to Kansas City, Mo., and from there to Kansas City, Kans., by Wolfe Feed & Grain Co.

**LIBELED:** 10-7-58, Dist. Kans.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped; and 402(a) (4)—held under insanitary conditions prior to shipment.

**DISPOSITION:** 10-13-58. Consent—claimed by W. S. Geiger Commission Co., St. Joseph, Mo. Segregated; 5,490 lbs. denatured.

**25176. Rice and sugar.** (F.D.C. No. 41190. S. Nos. 80-234/6 M.)

**INFORMATION FILED:** 4-24-58, Dist. S. Dak., against Madison Grocery Co., Madison, S. Dak., and Merle E. George, manager of the corporation's warehouse.

**ALLEGED VIOLATION:** Between 9-16-57 and 11-12-57, the defendants caused quantities of rice and sugar, while held for sale after shipment in interstate commerce, to be placed in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a) (3)—the rice contained rodent excreta and rodent urine; and 402(a) (4)—the rice and sugar were held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 6-5-58. Corporation—\$150 fine; individual—\$75 fine.

**25177. Rice.** (F.D.C. No. 42009. S. No. 2-999 P.)

**QUANTITY:** 36 25-lb. bags at Jacksonville, Fla.

**SHIPPED:** 6-11-58 and 7-11-58, from Abbeville, La.

**LIBELED:** 9-2-58, S. Dist. Fla.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 9-26-58. Default—destruction.

**25178. Rice and flour.** (F.D.C. No. 41966. S. Nos. 1-828 P, 1-830/2 P.)

**QUANTITY:** 201 10-lb. bags and 68 25-lb. bags of rice, and 120 25-lb. bags of flour at Sumter, S.C., in possession of Crosswell & Co., Inc.



SHIPPED: Between 4-2-58 and 6-21-58, from Stuttgart, Ark., and Durham, N.C.

LIBELED: 8-12-58, E. Dist. S.C.

CHARGE: 402(a)(3)—both articles contained rodent urine, and a portion of the rice contained bird excreta; and 402(a)(4)—both articles held under insanitary conditions.

DISPOSITION: 9-26-58. Default—consumption by animals.

**25179. Rice.** (F.D.C. No. 41986. S. Nos. 2-743/4 P.)

QUANTITY: 11 bales, 20 3-lb. bags each, and 7 bales, 6 10-lb. bags each, at Alma, Ga., in possession of Bacon Grocery Co.

SHIPPED: Between 1-28-58 and 6-10-58, from New Orleans, La.

LIBELED: 9-2-58, S. Dist. Ga.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-20-58. Default—delivered to a charitable institution, for use as animal feed.

**25180. Rice.** (F.D.C. No. 42135. S. Nos. 10-182/3 P.)

QUANTITY: 127 100-lb. bags at Buffalo, N.Y., in possession of Lederer Terminal Warehouse Co., Inc.

SHIPPED: 1-31-58, from Stuttgart, Ark.

LIBELED: 10-7-58, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-26-58. Default—destruction.

**25181. Parboiled milled rice.** (F.D.C. No. 42048. S. No. 14-673 P.)

QUANTITY: 331 100-lb. bags at Battle Creek, Mich.

SHIPPED: 5-26-58, from Sacramento, Calif., by Rice Growers Association.

LABEL IN PART: "U.S. No. 2 California Golden Pearl Parboiled Milled Rice."

LIBELED: 7-9-58, W. Dist. Mich.

CHARGE: 402(a)(3)—the article was unfit for food as it contained wood splinters, string, and nails when shipped.

DISPOSITION: 9-16-58. Consent—claimed by General Foods Corp., Battle Creek, Mich., and converted into stock feed.

**25182. Unpopped popcorn and dried navy beans.** (F.D.C. No. 42087. S. Nos. 38-408/9 P.)

QUANTITY: 88 100-lb. bags of popcorn, and 56 100-lb. bags of navy beans at Little Rock, Ark., in possession of Commercial Warehouse Co.

SHIPPED: 10-20-54 and 10-1-57, from Bay Port, Mich., and St. Louis, Mo.

LIBELED: 8-15-58, E. Dist. Ark.

CHARGE: 402(a)(3)—both articles contained insects, and the beans also contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-15-58. Default—delivered to a public institution, for use as animal feed.

**25183. Corn grits. (F.D.C. 42098. S. No. 24-948 P.)**

QUANTITY: 80 100-lb. bags at Winona, Minn.

SHIPPED: 6-27-58, from Milwaukee, Wis.

LIBELED: 8-22-58, Dist. Minn.

CHARGE: 402(a)(3)—contained insects, insect webbing and excreta, and rodent pellets while held for sale.

DISPOSITION: 10-3-58. Default—consumption by animals.

**25184. Bakery mixes. (F.D.C. No. 42068. S. Nos. 16-717/8 P.)**

QUANTITY: 84 100-lb. bags at Knoxville, Tenn.

SHIPPED: Between 3-10-58 and 5-1-58, from Springfield, Ill.

LIBELED: 7-29-58, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-9-58. Consent—claimed by H. T. Hackney Co., Knoxville, Tenn., and converted into stock feed.

**25185. Donut mix, sweet dough mix, and flour. (F.D.C. No. 41983. S. Nos. 2-925/8 P, 2-930 P.)**

QUANTITY: 48 100-lb. bags of Donut mix, 2 100-lb. bags of sweet dough mix, and 11 100-lb. bags of flour, at Jacksonville, Fla., in possession of Wiesenfeld Warehouse Co.

SHIPPED: Between 1-22-58 and 7-1-58, from Springfield, Ill.

LIBELED: 8-14-58, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-3-58. Default—destruction.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CHOCOLATE AND COCOA

**25186. Chocolate-covered peanuts. (F.D.C. No. 41810. S. No. 39-836 P.)**

QUANTITY: 21 cases, containing 60 1 $\frac{3}{8}$ -oz. bags each, at Honolulu, T.H.

SHIPPED: 5-27-58, from San Francisco, Calif., by Planters Nut & Chocolate Co.

LABEL IN PART: (Case) "60-10¢ Cellophane Bags Item No. 29 Planters Chocolate Peanuts \* \* \* H-8" and (bag) "Planters Chocolate Peanuts \* \* \* Net Wt. 1 $\frac{3}{8}$  Oz."

LIBELED: 6-12-58, Dist. Hawaii.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 7-31-58. Default—destruction.

**25187. Cocoa press cake. (F.D.C. No. 42008. S. No. 30-053 P.)**

QUANTITY: 17 180-lb. bags, at New York, N.Y., in possession of Unity Warehouse Co., Inc.

SHIPPED: 5-17-57, from Africa.

RESULTS OF INVESTIGATION: The article was stored in proximity to sodium silico fluoride, some of which was found spilled on the floor and on the bags of cocoa press cake.



**LIBELED:** 9-11-58, S. Dist. N.Y.

**CHARGE:** 402(a)(2)—contained an added poisonous or deleterious substance, a fluorine compound, which is unsafe within the meaning of 406(a), since it is not required in the production of cocoa press cake and can be avoided by good manufacturing practices; and 402(a)(4)—held under insanitary conditions in proximity to sodium silico fluoride.

**DISPOSITION:** 10-16-58. Default—destruction.

### CONFECTIONERY

**25188. Candy.** (F.D.C. No. 41200. S. Nos. 23-252/3 M, 76-316/7 M.)

**INFORMATION FILED:** 6-18-58, Dist. Mass., against Liberty Chocolate Co., Inc., Boston, Mass., and Angelo Cataldo, Jr., president and treasurer.

**SHIPPED:** 11-7-57 and 11-8-57, from Massachusetts to Vermont and Rhode Island.

**LABEL IN PART:** (Pkg.) "120 Count 1¢ Each Peppermint Pattie Frappé" or "120 Count 1¢ Each Chocolate Marshmallow Twists" or "120 Count 1¢ Each Maple Flavored Frappé."

**CHARGE:** 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 9-29-58. Corporation—\$1,000 fine; individual—sentence suspended, and placed on probation for 2 years.

**25189. Candy.** (F.D.C. No. 41735. S. Nos. 7-008/9 P, 7-014 P, 7-016 P.)

**INFORMATION FILED:** 6-18-58, Dist. Mass., against John W. Stewart Co., Inc., Salem, Mass., and Walter L. Abbot, president.

**SHIPPED:** 12-30-57, from Massachusetts to Connecticut.

**LABEL IN PART:** (Pkg.) "Salem's Old Fashioned Candies \* \* \* Peppermint Sticks [or 'Ginger Sticks' or 'Horehound Sticks' or 'Wintergreen Sticks']."

**CHARGE:** 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 10-21-58. Corporation—\$250 fine; individual—placed on probation for 1 year.

**25190. Candy.** (F.D.C. No. 41693. S. No. 19-779 P.)

**QUANTITY:** 77 ctns., 16 6-oz. pkgs. each, at Oklahoma City, Okla.

**SHIPPED:** 4-7-58, from Jacksonville, Fla., by T.M.K. Co., Inc.

**LABEL IN PART:** (Pkg.) "America's Finest Cashew Nut Delight \* \* \* Contents \* \* \* Cashew Nuts, Sweet Cocoa."

**LIBELED:** 5-5-59, W. Dist. Okla.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 6-5-58. Default—consumption by animals.

**25191. Candy.** (F.D.C. No. 41565. S. Nos. 31-365/6 P.)

**QUANTITY:** 3 ctns., 355 7/8-oz. bars total, and 17 ctns., 3,340 1 1/4-oz. bars total, of candy at Morristown, N.J.

**SHIPPED:** 4-4-58, from Brooklyn, N.Y., by Rockwood Chocolate Co.

**LABEL IN PART:** (Bar) "Rockwood Pecan Feast with Fruit and Nuts Milk Chocolate."

**LIBELED:** 5-19-58, Dist. N.J.

**CHARGE:** 402(b)(2)—when shipped, peanuts had been substituted in whole or in part for pecans; 403(a)—the label statement "Pecan Feast" was false and misleading as applied to an article in which peanuts had been substituted in part for pecans; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient, since the peanuts had not been declared.

**DISPOSITION:** 6-23-58. Default—delivered to local charitable institutions for their use and not for sale.

**25192. Candy.** (F.D.C. No. 42256. S. Nos. 7-958 P, 7-960 P.)

**QUANTITY:** 2,116 lbs. at Boston, Mass.

**SHIPPED:** Between 8-29-58 and 10-17-58, from Georgia, Florida, Alabama, Virginia, Tennessee, and Mississippi. These were return shipments.

**LIBELED:** 10-27-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained insects and insect larvae while held for sale.

**DISPOSITION:** 11-24-58. Default—destruction.

**25193. Dietetic candy substitute.** (F.D.C. No. 42136. S. No. 24-079 P.)

**QUANTITY:** 2 cases, 24 6½-oz. pkgs. each, and 1 case, 24 13-oz. pkgs. each, at Los Angeles, Calif.

**SHIPPED:** 8-5-58, from Brooklyn, N.Y., by Dietetic Food Co., Inc.

**LABEL IN PART:** (Pkg.) "Dia-Mel—Low in Calories—Dietetic Candy Substitute."

**LIBELED:** 10-7-58, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insect fragments, insect excreta, rodent hairs, sand, soil, and carbon when shipped.

**DISPOSITION:** 10-27-58. Default—destruction.

**25194. Marshmallows.** (F.D.C. No. 42108. S. No. 43-458 P.)

**QUANTITY:** 361 cases, 12 1-lb. bags each, at Denver, Colo.

**SHIPPED:** 3-21-58, from Los Angeles, Calif.

**LIBELED:** 9-3-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained mold and a decomposed substance while held for sale.

**DISPOSITION:** 10-30-58. Default—destruction.

### SIRUP AND SUGAR\*

**25195. Sorghum sirup.** (F.D.C. No. 41758. S. No. 28-070 P.)

**INFORMATION FILED:** 9-11-58, E. Dist. Tex., against C. L. Williamson, Sulphur Springs, Tex.

**SHIPPED:** 12-1-57, from Texas to Oklahoma.

**LABEL IN PART:** (Can) "Pure Sorghum Syrup Country Made Net Contents: 44 Fluid Ounces."

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\*See also No. 25176.



**CHARGE:** 402(b)(2)—when shipped, a substance consisting of a mixture of sorghum and partially inverted sugar sirup had been substituted for sorghum; 403(a)—the label statement “Pure Sorghum” was false and misleading; 403(b)—the product was offered for sale under the name of another food, namely, sorghum; and 403(i)(2)—the label of the product failed to bear the common or usual name of each ingredient of the product.

**PLEA:** Guilty.

**DISPOSITION:** 9-15-58. Fine of \$200.

**25196. Sirup.** (F.D.C. No. 41964. S. No. 2-981 P.)

**QUANTITY:** 47 cases, 12 12-oz. btls. each, at Anniston, Ala.

**SHIPPED:** 5-23-58, from Columbus, Ga., by Dodd's Sauce Co.

**LABEL IN PART:** (Case and btl.) “Snider's Brand Pancake and Waffle Syrup A delicious blend of pure Cane and Maple Syrups with added natural flavors \* \* \* Snider Bros. Co., Anniston, Alabama.”

**RESULTS OF INVESTIGATION:** Examination showed that the article was an imitation maple sirup consisting of sugar sirup flavored with artificial maple flavor.

**LIBELED:** 7-30-58, N. Dist. Ala.

**CHARGE:** 402(b)(2)—imitation maple sirup had been substituted in whole or in part for cane and maple syrups when shipped; 403(a)—the label statement “Pure Cane and Maple Syrups” was false and misleading; 403(c)—the article was an imitation of another food, namely, maple sirup, and its label failed to bear the word “Imitation” and, immediately thereafter, the name of the food imitated; 403(e)(1)—the firm named on the label of the article was not the manufacturer of the article, and the name on the label was not qualified to show the relationship that such firm had with the product; 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and 403(k)—the article contained artificial flavoring, and it failed to bear a label stating that fact.

**DISPOSITION:** 9-2-58. Default—delivered to a charitable institution.

**25197. Sugar, chocolate malt cake mix, gingerbread mix, marble cake mix, and flour.** (F.D.C. No. 41170. S. Nos. 71-572/5 M, 80-220 M.)

**INFORMATION FILED:** 4-16-58, N. Dist. Iowa, against Horace E. Brickner, t/a S. E. Brickner & Son, Decorah, Iowa.

**ALLEGED VIOLATION:** Between 11-6-56 and 9-26-57, while quantities of sugar, chocolate malt cake mix, gingerbread mix, marble cake mix, and flour were being held for sale after shipment in interstate commerce, the defendant caused the articles to be placed or held in a building that was accessible to rodents, insects, and birds and to be exposed to contamination by rodents, insects, and birds, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—the sugar contained insects, insect fragments, and rodent hair fragments; and 402(a)(4)—all of the articles were held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 7-22-58. Fine of \$625.

## DAIRY PRODUCTS

## BUTTER

**25198. Butter.** (F.D.C. No. 41898. S. Nos. 4-370/1 P.)

**QUANTITY:** 36 ctns., 32 1-lb. prints each, and 23 ctns., each containing 1 64-lb. cube, at Hagerstown, Md.

**SHIPPED:** Quantities of cream had been shipped on 6-9-58, to Hagerstown, Md. from Rocky Mount, Lynchburg, Appomattox, Evergreen, and Blackstone, Va.

**LABEL IN PART:** (Ctn.) "Potomac Creamery Butter \* \* \* 32 1-lb." and "64 lb. Net Wt. Creamery Butter."

**RESULTS OF INVESTIGATION:** The cream which had been shipped as described above was manufactured into butter by the Potomac Creamery Co., Inc., at Hagerstown, Md.

**LIBELED:** 7-7-58, Dist. Md.

**CHARGE:** 402(a)(3)—when shipped and while held for sale, the cream, which had become an inseparable part of the butter, consisted in whole or in part of a decomposed substance.

**DISPOSITION:** 11-6-58. Consent—claimed by Potomac Creamery Co., Inc., and converted into butter oil.

**25199. Butter.** (F.D.C. No. 41117. S. No. 14-010 P.)

**QUANTITY:** 33 64-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-27-58, from Caledonia, Minn., by Caledonia Co-operative Creamery.

**LIBELED:** 9-22-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained insect fragments, manure fragments, and rodent hair fragments when shipped.

**DISPOSITION:** 10-31-58. Consent—claimed by Land O' Lakes Creameries, Inc., Minneapolis, Minn., and denatured for use in the production of soap grease.

**25200. Butter.** (F.D.C. No. 40832. S. No. 37-085 P.)

**QUANTITY:** 23 64-lb. cubes, and 2¼ lbs., at Mt. Vernon, Ill.

**SHIPPED:** On 8-14-58, 46 cans of decomposed cream were shipped from various places in Kentucky.

**RESULTS OF INVESTIGATION:** The 46 cans of cream were used in the manufacture of the butter which was seized.

**LIBELED:** 8-21-58, E. Dist. Ill.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** 10-29-58. Consent—claimed by Swift & Co., Chicago, Ill., and converted into butter oil.

**25201. Butter.** (F.D.C. No. 41119. S. No. 37-158 P.)

**QUANTITY:** 13 64-lb. cubes, and 38 lbs., at Peoria, Ill.

**SHIPPED:** On 9-3-58, 29 cans of decomposed cream were shipped from various places in Iowa.

**RESULTS OF INVESTIGATION:** The above-described cans of cream were used in the manufacture of the butter which was seized.

**LIBELED:** 9-17-58, S. Dist. Ill.



**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** 9-30-58. Consent—claimed by Sugar Creek Creamery Div. of National Dairy Products Corp., Peoria, Ill., and reworked into butter oil.

**25202. Butter.** (F.D.C. No. 41121. S. No. 37-159 P.)

**QUANTITY:** 6,072 lbs. at Galva, Ill.

**SHIPPED:** Between 9-1-58 and 9-4-58, 173 cans of decomposed cream were shipped from various places in Arkansas, Indiana, Kentucky, Mississippi, Missouri, Nebraska, Tennessee, and Wisconsin.

**RESULTS OF INVESTIGATION:** The above-described cans of cream were used in the manufacture of the butter that was seized.

**LIBELED:** 9-17-58, S. Dist. Ill.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** 9-30-58. Consent—claimed by Galva Creamery Co., Galva, Ill., and converted into butter oil.

**25203. Butter.** (F.D.C. No. 42019. S. Nos. 25-940 P., 26-556 P.)

**INFORMATION FILED:** 9-26-58, Dist. Minn., against Peterson's Creamery, a partnership, St. Paul, Minn., and Byron R. Bergren, plant manager.

**SHIPPED:** 5-28-58 and 6-4-58, from Minnesota to Illinois.

**CHARGE:** 402(b)(1)—when shipped, a valuable constituent, namely, milk fat, had been in part omitted from the article; and 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**PLEA:** Guilty.

**DISPOSITION:** 11-4-58. Partnership—fined \$500; individual—fined \$100..

**25204. Butter.** (F.D.C. No. 41116. S. Nos. 32-046/7 P.)

**QUANTITY:** 58 64-lb. ctns. at New York, N.Y.

**SHIPPED:** 8-12-58, from Boston, Mass., by Whiting Milk Co.

**LIBELED:** 9-19-58, S. Dist. N.Y.

**CHARGE:** 402(b)(2)—the article was below the legal standard for milk fat when shipped.

**DISPOSITION:** 10-2-58. Consent—claimed by Hunter, Walton & Co., New York, N.Y., and converted into butter oil.

**25205. Butter.** (F.D.C. No. 40829. S. No. 25-958 P.)

**QUANTITY:** 41 60-lb. ctns. at Jersey City, N.J.

**SHIPPED:** 8-1-58, from Waseca, Minn., by N.B.S. Creamery Association.

**LIBELED:** 8-13-58, Dist. N.J.

**CHARGE:** 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 10-14-58. Consent—claimed by Farmers Cooperative Creamery Associations, Inc., New Ulm, Minn., and reworked.

**25206. Butter.** (F.D.C. No. 41124. S. No. 25-880 P.)

**QUANTITY:** 22 64-lb. boxes at Faribault, Minn.

**SHIPPED:** 9-20-58, from West Point, Nebr., by West Point Creamery Co.

**LABEL IN PART:** (Box) "Creamery Butter West Point Creamery Distributors & Mfgs."

**LIBELED:** 10-20-58, Dist. Minn.

**CHARGE:** 402(b) (2)—an article containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

**DISPOSITION:** 11-14-58. Consent—claimed by West Point Creamery and reprocessed to bring the article into compliance with the law.

**25207. Butter.** (F.D.C. No. 41125. S. No. 7-938 P.)

**QUANTITY:** 11 64-lb. cases at Cambridge, Mass.

**SHIPPED:** 9-30-58, from Bemidji, Minn., by David Park Co.

**LIBELED:** 10-27-58, Dist. Mass.

**CHARGE:** 402(b) (2)—an article containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

**DISPOSITION:** 11-21-58. Consent—claimed by Zenith-Godley Co., Inc., New York, N.Y., and reworked.

**25208. Butter.** (F.D.C. No. 41128. S. No. 27-151 P.)

**QUANTITY:** 40 62-lb. boxes at New York, N.Y.

**SHIPPED:** 11-7-58, from Sumner, Iowa, by Janesville Creamery.

**LABEL IN PART:** "Butter Distributed By WATTS & SONS 1419 New York."

**LIBELED:** 11-25-58, S. Dist. N.Y.

**CHARGE:** 402(b) (2)—when shipped, the article was below the legal standard for milk fat.

**DISPOSITION:** 12-11-58. Consent—claimed by Watts & Sons, New York, N.Y., and brought into compliance with the law.

**25209. Butter.** (F.D.C. No. 41127. S. No. 27-147 P.)

**QUANTITY:** 17 60-lb. ctns. at New York, N.Y.

**SHIPPED:** 11-5-58, from Postville, Iowa, by Northeast Iowa Cooperative Creameries Association.

**LABEL IN PART:** "Butter Distributed by Zenith-Godley, New York."

**LIBELED:** 11-25-58, S. Dist. N.Y.

**CHARGE:** 402(b) (2)—the article was below the legal standard for milk fat when shipped.

**DISPOSITION:** 12-11-58. Consent—claimed by Zenith-Godley Co., Inc., and reworked to bring it into compliance with the law.

**25210. Butter.** (F.D.C. No. 41126. S. No. 17-582 P.)

**QUANTITY:** 21 5-lb. ctns. at Wilder, Ky.

**SHIPPED:** 10-28-58, from Cincinnati, Ohio, by J. C. Taylor Creamery.

**LABEL IN PART:** "5 Pounds Net Rose Brand Butter Chiplets Mfd. By Merchants Creamery Co. Cincinnati, O."

**RESULTS OF INVESTIGATION:** Analysis showed that the article was short weight.

**LIBELED:** 11-5-58, E. Dist. Ky.

**CHARGE:** 403(e) (2)—when shipped, the label of the article did not bear an accurate statement of the quantity of contents.



**DISPOSITION:** 12-15-58. Default—delivered to a Federal institution for its use and not for sale.

## FISH AND SHELLFISH

**25211. Dried stockfish and rice.** (F.D.C. No. 39974. S. Nos. 37-293/5 M.)

**INFORMATION FILED:** 12-2-58, S. Dist. N.Y., against Sun Warehouses, Inc., New York, N.Y., and Robert E. Dunn, Sr., president.

**ALLEGED VIOLATION:** Between 11-4-55 and 8-7-56, the defendants caused quantities of dried stockfish and rice, while held for sale after shipment in interstate commerce, to be stored under insanitary conditions whereby it became contaminated with filth.

**CHARGE:** 402(a)(3)—contained rodent excreta, rodent hairs, and insects; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 12-17-58. Corporation—\$3,000 fine; individual—\$1,500 fine.

**25212. Frozen codfish, frozen whitefish, frozen buffalo fish, frozen mullets, and frozen frog legs.** (F.D.C. No. 41929. S. Nos. 31-761 P, 31-763/4 P, 31-899/900 P.)

**QUANTITY:** 15 100-lb. cases of frozen codfish; 4 ctns., 382 lbs. total, of frozen whitefish; 7 boxes, 615 lbs. total, of frozen buffalo fish; 25 ctns., 1,290 lbs. total, of frozen mullets; and 4 ctns., 189 lbs. total, of frozen frog legs, at New York, N.Y.

**SHIPPED:** 7-17-57 (mulletts), from Jacksonville, Fla.; 2-3-58 and 2-8-58 (frog legs), from West Palm Beach, Fla.; 4-1-58 (buffalo fish), from New Iberia, La.; 5-10-58 (codfish), from Puerto Rico (this was a return shipment); and May or June, 1958 (whitefish), from Canada.

**LIBELED:** 8-1-58, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained decomposed fish and decomposed frog legs while held for sale.

**DISPOSITION:** 9-4-58. Default—destruction.

**25213. Frozen whitefish.** (F.D.C. No. 41993. S. Nos. 11-493/5 P.)

**QUANTITY:** 21 50-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-5-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd., and by Keystone Fisheries, Ltd.

**LABEL IN PART:** "Product of Canada Cedar Lake Cert. 4049" or "Product of Canada Setting Lake Cert. #624 Med" or "Product of Canada South Indian Lake Med. Cert. #624."

**LIBELED:** 8-18-58, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained parasitic cysts when shipped.

**DISPOSITION:** 9-12-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill., and returned to the shippers in Canada.

**25214. Frozen whiting.** (F.D.C. No. 42010. S. No. 43-981 P.)

**QUANTITY:** 384 cases, 5 10-lb. boxes each, at East Point, Ga.

**SHIPPED:** 7-18-58, from Gloucester, Mass., by Consolidated Fisheries Corp.

**LABEL IN PART:** (Case) "Gloucester's Pride Choice Dressed Whiting 5-10 Lb. Pkgs. 50 Lbs. Net Packed Frozen & Guaranteed by Consolidated Fisheries Corp., Gloucester, Mass."; and (some ctns.) "H & G Whiting."

**LIBELED:** 8-27-58, N. Dist. Ga.

**CHARGE:** 403(a)—the statements "Choice Dressed Whiting" and "H & G Whiting" appearing on the labels of the article, when shipped, were false and misleading as applied to fish which were not headless, were only partly eviscerated, and were not of choice quality; 403(e)—a portion of the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(i) (1)—a portion of the article failed to bear a label containing the common or usual name of the article.

**DISPOSITION:** 9-25-58. Consolidated Fisheries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reprocessing.

On 2-16-59, it appeared to the court that the claimant had no intention of filing a bond or of completing the other requirements of the consent decree of condemnation. Therefore, an order was entered setting aside the consent decree and providing for the condemnation and destruction of the article.

**25215. Frozen whitefish. (F.D.C. No. 42005. S. No. 13-373 P.)**

**QUANTITY:** 8 50-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-12-58, from Winnipeg, Canada, by Booth Fisheries, Ltd.

**LABEL IN PART:** "Large Whitefish \* \* \* South Indian Lake 806 \* \* \* Booth Fisheries, Ltd., Winnipeg, Canada."

**LIBELED:** 8-27-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 10-1-58. Default—destruction.

**25216. Fresh whitefish. (F.D.C. No. 42004. S. Nos. 13-371/2 P.)**

**QUANTITY:** 27 50-lb. boxes at Chicago, Ill.

**SHIPPED:** 8-12-58, from Winnipeg, Canada, by Keystone Fisheries, Ltd.

**LABEL IN PART:** "Med. [or 'Large'] Whitefish \* \* \* South Indian Lake 809."

**LIBELED:** 8-27-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 10-17-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill., and exported to Canada.

**25217. Fresh whitefish. (F.D.C. No. 42085. S. No. 11-719 P.)**

**QUANTITY:** 21 50-lb. boxes at Detroit, Mich.

**SHIPPED:** 8-2-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd.

**LABEL IN PART:** "Cedar Lake Man Booth Fisheries Winnipeg—Medium DSD Whites 4047."

**LIBELED:** 8-13-58, E. Dist. Mich.

**CHARGE:** 402(a) (3)—contained parasitic cysts when shipped.

**DISPOSITION:** 11-6-58. Default—destruction.



**25218. Fresh whitefish. (F.D.C. No. 42086. S. No. 11-720 P.)**

QUANTITY: 8 60-lb. boxes at Detroit, Mich.

SHIPPED: 8-2-58, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

LABEL IN PART: "Eden Lake, Manitoba—60 Lge Whites 4048."

LIBELED: 8-13-58, E. Dist. Mich.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 11-11-58. Default—destruction.

**25219. Frozen whitefish. (F.D.C. No. 42121. S. No. 10-042 P.)**

QUANTITY: 14 60-lb. boxes at Buffalo, N.Y.

SHIPPED: 8-16-58, from Chicago, Ill., by Pick-Shapiro Fisheries.

LABEL IN PART: "W. R. Menzies Hay River, N.W.T. Dressed Great Slave NWT Whitefish \* \* \* Product of Canada."

LIBELED: 9-17-58, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 10-30-58. Default—destruction.

**25220. Frozen whitefish. (F.D.C. No. 40031. S. No. 48-970 M.)**

QUANTITY: 160 60-lb. ctns. at Green Bay, Wis.

SHIPPED: 2-4-57, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

LABEL IN PART: "Fresh Frozen Fish \* \* \* Med. Dr Whites."

LIBELED: 2-28-57, E. Dist. Wis.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 12-23-58. Default—delivered to a rendering company for denaturing.

**25221. Frozen flounder fillets. (F.D.C. No. 41996. S. No. 7-991 P.)**

QUANTITY: 335 5-lb. boxes at Boston, Mass.

SHIPPED: The fillets were from fish caught on or about 8-1-58, by the fishing vessel "Mary Tapper" in the Atlantic Ocean outside the limits of Massachusetts.

LIBELED: 8-21-58, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 10-20-58. Default—delivered to a local institution, for use as animal feed.

**25222. Frozen breaded shrimp and frozen breaded chicken. (F.D.C. No. 42181. S. Nos. 35-048/9 P.)**

QUANTITY: 32 ctns., 2 doz. pkgs. each, of shrimp and 53 ctns., 1 doz. pkgs. each, of chicken at Atlantic City, N.J.

SHIPPED: Between 7-15-54 and 8-11-54, from Nashville, Tenn.

LIBELED: 9-9-58, Dist. N.J.

CHARGE: 402(a)(3)—contained (shrimp) moldy, decomposed breading and (chicken) decomposed chicken while held for sale.

DISPOSITION: 10-9-58. Default—destruction.

## FRUITS AND VEGETABLES

## CANNED FRUIT

**25223. Canned grapefruit and canned orange and grapefruit juice (blended).** (F.D.C. No. 41998. S. Nos. 4-918/9 P.)

**QUANTITY:** 11 cases, 12 3-lb. 3-oz. cans each, of grapefruit, and 9 cases of No. 2 size cans of orange and grapefruit juice (blended), at Grafton, W. Va.

**SHIPPED:** Prior to 7-30-58, from outside W. Va.

**RESULTS OF INVESTIGATION:** Examination showed that the articles were undergoing chemical decomposition.

**LIBELED:** 8-22-58, N. Dist. W. Va.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 9-26-58. Default—destruction.

**25224. Canned peaches.** (F.D.C. No. 42191. S. No. 43-985 P.)

**QUANTITY:** 90 cases, 24 cans each, at Augusta, Ga.

**SHIPPED:** 7-30-58, from Gilbert, S.C., by Walter P. Rawl & Sons.

**LABEL IN PART:** (Can) "Contents 1 Lb. 13 Ozs. Carolina \* \* \* Peaches Halves in Heavy Syrup."

**LIBELED:** 9-16-58, S. Dist. Ga.

**CHARGE:** 403(h)(1)—when shipped, the quality of the article fell below the standard for canned peaches since the article did not meet the test for tenderness prescribed by the standard, and the label failed to bear a statement that it fell below such standard.

**DISPOSITION:** 10-20-58. Consent—claimed by Walter P. Rawl & Sons and re-labeled.

## DRIED FRUIT

**25225. Dried apricots.** (F.D.C. No. 42102. S. Nos. 28-423 P, 28-438 P.)

**QUANTITY:** 88 25-lb. boxes at Houston, Tex.

**SHIPPED:** Between 4-14-58 and 6-2-58, from San Jose, Calif., by Richmond Chase Co.

**LABEL IN PART:** "Heart's Delight Brand Choice Dried Blenheim Apricots."

**LIBELED:** 8-26-58, S. Dist. Tex.

**CHARGE:** 402(a)(3)—contained insects, insect parts and excreta, rodent hairs, and rodent pellets when shipped.

**DISPOSITION:** 10-7-58. Default—destruction.

**25226. Dried peaches.** (F.D.C. No. 42142. S. No. 29-231 P.)

**QUANTITY:** 30 30-lb. cases at Gadsden, Ala.

**SHIPPED:** 1-15-58 and 7-15-58, from San Jose, Calif.

**LIBELED:** 10-10-58, N. Dist. Ala.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-10-58. Default—destruction.



## JAM

**25227. Grape jam.** (F.D.C. No. 42099. S. No. 20-846 P.)

**QUANTITY:** 71 cases, 12 12-oz. jars each, at Kansas City, Kans.

**SHIPPED:** 7-31-58, from St. Joseph, Mo., by St. Joseph Foods, Inc.

**LABEL IN PART:** (Jar) "Shurfine Pure Grape Jam \* \* \* National Retailer-Owned Grocers, Inc., Distributors, Chicago, Ill."

**LIBELED:** 8-26-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

**DISPOSITION:** 10-2-58. Default—destruction.

## VEGETABLES AND VEGETABLE PRODUCTS\*

**25228. Dried pinto beans and rice.** (F.D.C. No. 40483. S. Nos. 29-096/7 M.)

**INFORMATION FILED:** 2-27-58, N. Dist. Calif., against Roy M. Day, a partnership, Turlock, Calif.

**ALLEGED VIOLATION:** Between 9-26-56 and 5-16-57, while quantities of dried pinto beans and rice were being held for sale after shipment in interstate commerce, the defendant caused the articles to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—contaminated with rodent urine; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 4-4-58. \$500 fine.

**25229. Dried mung beans.** (F.D.C. No. 41774. S. No. 27-785 P.)

**QUANTITY:** 36 100-lb. bags at Houston, Tex.

**SHIPPED:** 9-18-57, from Chickasha, Okla., by Ross Seed & Grain Co.

**LIBELED:** 5-22-58, S. Dist. Tex.

**CHARGE:** 402(a)(2)—the article, when shipped, contained an added poisonous and deleterious substance, namely, fluorine, which is unsafe within the meaning of 406(a), since it is a substance not required in the production of mung beans and can be avoided by good manufacturing practice.

**DISPOSITION:** 11-3-58. Default—destruction.

**25230. Canned sweet pickle relish.** (F.D.C. No. 42100. S. No. 26-692 P.)

**QUANTITY:** 20 cases, 4 1-gal. jars each, at Galesburg, Ill.

**SHIPPED:** 7-24-58, from Bettendorf, Iowa, by Bettendorf Pickle & Vinegar Co.

**LABEL IN PART:** (Jar) "Chef Style Super Sweet Pickles-12 Oz." or "Chef Style Sweet Pickles."

**RESULTS OF INVESTIGATION:** Examination showed the article to be a pickle relish. The average net weight was found to be 9 pounds 10.08 ounces.

**LIBELED:** 8-26-58, S. Dist. Ill.

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\*See also No. 25182.

CHARGE: 402(a)(3)—contained insects and insect fragments; 402(a)(4)—prepared under insanitary conditions; 403(b)—the article, when shipped, was offered for sale under the name of another food; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-23-58. Default—destruction of 6 cases, all that was available for seizure.

**25231. Canned mushrooms.** (F.D.C. No. 42089. S. No. 26-909 P.)

QUANTITY: 19 cases, 24 cans each, at St. Paul, Minn.

SHIPPED: 6-23-58, from Hudson, N.Y., by K-B Products Corp.

LABEL IN PART: (Case) "Knaust's Mushrooms-Elf Brand"; (can) "Elf Brand Stems and Pieces Mushrooms Drained Wgt. 8 oz. Net Avd."

LIBELED: 8-14-58, Dist. Minn.

CHARGE: 403(h)(2)—the article purported to be and was represented as canned mushrooms, a food for which a standard of fill of container has been prescribed by regulations, and the article fell below such standard when shipped, since the weight of the drained mushrooms in the container was less than that prescribed by the regulations, and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: 10-27-58. Default—delivered to a State institution, for use as food.

**25232. Canned Mushrooms.** (F.D.C. No. 42105. S. No. 25-682 P.)

QUANTITY: 26 cases, 24 cans each, at Minneapolis, Minn.

SHIPPED: 6-23-58, from Hudson, N.Y., by K-B Products Corp.

LABEL IN PART: (Can) "Knaust Brand Net Wt. 8 oz. Pieces and Stems Mushrooms."

LIBELED: 8-28-58, Dist. Minn.

CHARGE: 403(h)(2)—the article purported to be and was represented as canned mushrooms, a food for which a standard of fill of container has been prescribed by regulations, and the article fell below such standard when shipped, since the weight of the drained mushrooms in the container was less than that prescribed by the regulations, and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: 12-4-58. Default—delivered to a local charitable institution, for use as food.

## TOMATOES AND TOMATO PRODUCTS

**25233. Canned tomatoes.** (F.D.C. No. 42125. S. No. 28-680 P.)

QUANTITY: 508 cases, 24 1-lb. cans each, at Shreveport, La.

SHIPPED: 7-25-58, from Donna, Tex., by Knapp-Sherrill Co.

LABEL IN PART: (Can) "Texas Magic Brand \* \* \* Tomatoes."

RESULTS OF INVESTIGATION: Examination showed that the article contained decomposed tomato material.

LIBELED: 9-22-58, W. Dist. La.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 11-14-58. Default—destruction.



**25234. Canned tomatoes.** (F.D.C. No. 41984. S. No. 26-903 P.)

**QUANTITY:** 697 cases, 24 1-lb. cans each, at St. Paul, Minn.

**SHIPPED:** 6-8-58, from Edcouch, Tex., by G. O. McDaniel Co.

**LABEL IN PART:** (Can) "House of George Brand Tomatoes."

**LIBELED:** 8-14-58, Dist. Minn.; libel amended 8-20-58.

**CHARGE:** 403(h)(1)—when shipped, the quality of the article fell below the standard for canned tomatoes with respect to strength and redness of color and because of excessive tomato peel and blemishes, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** 12-11-58. Default—delivered to various charitable institutions, for food purposes only.

**25235. Tomato juice.** (F.D.C. No. 42022. S. Nos. 73-379 M, 19-373 P, 19-377 P.)

**INFORMATION FILED:** 9-25-58, Dist. Colo., against Kuner-Empson Co., a corporation, Brighton, Colo., and Charles W. Nolin, superintendent of the corporation's plant at Loveland, Colo.

**ALLEGED VIOLATIONS:** On 9-3-40, the defendant corporation gave to a firm engaged in the business of shipping tomato juice in interstate commerce, a guaranty to the effect that tomato juice delivered by the corporation under the guaranty would not be adulterated.

Between 10-8-57 and 10-15-57, the corporation caused to be delivered to the holder of the guaranty at Denver, Colo., a quantity of tomato juice which was adulterated. In addition, on 2-21-58 and 3-6-58, the corporation and the individual defendant caused to be introduced and delivered for introduction into interstate commerce, for delivery to Liberal, Kans., and Amarillo, Tex., a number of cans of tomato juice which was adulterated.

**LABEL IN PART:** (Can) "KUNER'S TOMATO JUICE DISTRIBUTED BY KUNER-EMPSON COMPANY BRIGHTON, COLO. CONTENTS 13½ FL. OZ."

**CHARGE:** 402(a)(3)—contained decomposed tomato material.

**PLEA:** Guilty.

**DISPOSITION:** 11-21-58. Corporation—fined \$1,200; individual—fined \$50.

## OILS AND FATS

**25236. Table and cooking oil.** (F.D.C. No. 41184. S. Nos. 62-856 M, 62-858 M, 62-942 M, 62-957 M.)

**INFORMATION FILED:** 6-20-58, E. Dist. N.Y., against John V. Lucci, t/a Lucci Sales Co., Brooklyn, N.Y.

**ALLEGED VIOLATION:** On 3-15-57, while quantities of corn oil were being held for sale after shipment in interstate commerce, the defendant caused quantities of the corn oil to be packed into cans labeled "One Gallon Pure Olive Oil Superfine Casa Reale Brand 100% Pure Imported Olive Oil" or "Extra Fine Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut & Corn Oils 25% Pure Imported Olive Oil," which act resulted in the article being adulterated and misbranded.

It was also charged that on 12-7-56 and 3-28-57, the defendant shipped to New Jersey and Connecticut, quantities of such oil packed under the Cielo Celeste brand.

**CHARGE:** Cielo Celeste brand. 402(b)(1)—when shipped and while held for sale, valuable constituents of the article, namely, peanut oil and olive oil, had been in part omitted; and 402(b)(2)—artificially flavored corn oil and from 5 to 10 percent olive oil had been substituted for a mixture of 75 percent peanut and corn oils and 25 percent olive oil, which said food was represented to be.

Casa Reale brand. 402(b)(1)—while held for sale, the valuable constituent of the article, namely, olive oil, had been in part omitted; 402(b)(2)—artificially flavored corn oil had been substituted for olive oil; 403(a)—the statement on the label of the article, namely, "100% Pure Imported Olive Oil" was false and misleading when applied to a product that consisted of artificially flavored corn oil and 5 percent olive oil; and 403(k)—the article contained artificial flavoring, and it failed to bear labeling stating that fact.

**PLEA:** Guilty.

**DISPOSITION:** 10-31-58. Jail sentence of 60 days.

**25237. Table and cooking oil.** (F.D.C. No. 41853. S. No. 7-522 P.)

**QUANTITY:** 50 cases, 6 1-gal. cans each, at Boston, Mass.

**SHIPPED:** 4-18-58, from Decatur, Ill.

**RESULTS OF INVESTIGATION:** The article was manufactured from soybean oil shipped in interstate commerce, as described above, and thereafter placed in 1-gal. cans labeled "Imperiale Brand \* \* \* Family Oil Contains Choice Vegetable and Virgin Olive Oil Packed by Imperiale Olive Oil Co., Boston, Mass." by the consignee Catania-Spagna Corp. An examination revealed that the article was soybean oil with little or no olive oil.

**LIBELED:** 6-3-58, Dist. Mass.

**CHARGE:** 402(b)(1)—while held for sale, a valuable constituent, olive oil, had been in whole or in part omitted from the article; 403(a)—the label statement "Contains Vegetable and Virgin Olive Oil" was false and misleading; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient of the article.

**DISPOSITION:** 7-21-58. Consent—claimed by Catania-Spagna Corp., Boston, Mass., and relabeled.

**25238. Table and cooking oil.** (F.D.C. No. 41844. S. No. 7-454 P.)

**QUANTITY:** 12 cases, 6 1-gal. cans each, at Boston, Mass., in possession of Joseph Verdi Co.

**LABEL IN PART:** (Can) "Joseph Verdi Brand \* \* \* Oil Consisting of 75% Domestic Vegetable Oil and 25% Olive Oil \* \* \* Packed by Joseph Verdi Company, Boston, Mass."

**RESULTS OF INVESTIGATION:** The article was manufactured from ingredients received in interstate commerce. On 2-18-58, the article was packed by California Olive Oil Co., Inc., Boston, Mass., into cans supplied by Joseph Verdi Co. Examination showed the article to be cottonseed oil with little or no olive oil.

**LIBELED:** 5-27-58, Dist. Mass.



**CHARGE:** 402(b)(1)—while held for sale, a valuable constituent, namely, olive oil, had been in part omitted; 402(b)(2)—cottonseed oil had been substituted in whole or in part for olive oil; 403(a)—the label statement “25% Olive Oil” was false and misleading; and 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** 7-14-58. Default—destruction.

**25239. Olive oil.** (F.D.C. No. 41882. S. No. 7-704 P.)

**QUANTITY:** 8 24-btl. cases at Boston, Mass., in possession of John Zedros, Inc.

**SHIPPED:** 3-6-58, from Piraeus, Greece.

**LABEL IN PART:** (Btl.) “Alma Pure Imported Olive Oil 16 oz. Packed by John Zedros Boston.”

**RESULTS OF INVESTIGATION:** The article had been shipped in 55-gal. bulk drums and, upon receipt at Boston, had been repackaged into bottles labeled as above. Examination showed that the article was short volume.

**LIBELED:** 6-23-58, Dist. Mass.

**CHARGE:** 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 8-21-58. Consent—claimed by John Zedros, Inc., and relabeled.

**25240. Table and cooking oil.** (F.D.C. No. 41852. S. No. 7-430 P.)

**QUANTITY:** 29 cases, 6 1-gal. cans each, at Boston, Mass., in possession of Marconi Olive Oil Co.

**SHIPPED:** Prior to 5-6-58, the ingredients were shipped from interstate sources.

**LABELED IN PART:** (Can) “Marconi Brand Oil High Grade Vegetable Oils Blend With Pure Olive Oils.”

**RESULTS OF INVESTIGATION:** The article was manufactured from the ingredients mentioned above, and packaged by the dealer into cans labeled as above. Examination showed that the article was a mixture of vegetable oils with little or no olive oil.

**LIBELED:** 6-3-58, Dist. Mass.

**CHARGE:** 402(b)(2)—an article consisting of a mixture of vegetable oils with little or no olive oil had been substituted for a blend of vegetable oils and olive oil while held for sale; and 403(a)—the statement on the label of the article, namely, “Vegetable Oils Blend With Pure Olive Oil” was false and misleading as applied to an article containing little or no olive oil.

**DISPOSITION:** 9-8-58. Consent—claimed by Marconi Olive Oil Co. and relabeled.

**25241. Table and cooking oil.** (F.D.C. No. 41960. S. No. 7-529 P.)

**QUANTITY:** 113 cans at Shrewsbury, Mass., in possession of F. Montecalvo & Sons, Inc.

**SHIPPED:** The corn oil and olive oil ingredients of the article were shipped on unknown dates from outside the State of Massachusetts.

**LABEL IN PART:** “Net Contents One Gallon \* \* \* Vieste Adriatico Brand Special Blend of Edible Oils Composed of 90% Corn Oil 10% Imported Olive Oil.”

RESULTS OF INVESTIGATION: The corn oil and olive oil ingredients shipped as above were used by F. Montecalvo & Sons, Inc., in manufacturing the article.

Examination showed that the article was a mixture of corn oil with approximately 5 percent olive oil. The article contained less than the declared volume; the average shortage being 1.73 percent.

LIBELED: 7-30-58, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, namely, olive oil, had been in part omitted from the article; 402(b)(2)—corn oil had been substituted in part for olive oil; 403(a)—the label statement "10% Imported Olive Oil" was false and misleading; and 403(e)(2)—the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 9-9-58. Consent—claimed by F. Montecalvo & Sons, Inc., and brought into compliance with the Act.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

25242. Univite vitamin and mineral tablets. (F.D.C. No. 41999. S. No. 39-850 P.)

QUANTITY: 1 30,000-tablet ctn., 5 1,000-tablet btls., 6 500-tablet btls., 35 250-tablet btls., 2 300-tablet btls., 189 100-tablet btls., and 177 30-tablet btls., at Oakland, Calif., in possession of United Pharmaceuticals.

SHIPPED: On 4-30-58, from Philadelphia, Pa., by Richlyn Laboratories.

LABEL IN PART: (Ctn.) "SPECIAL FORMULA S.F. #2573 S.C. Yellow Each to contain: Vitamin A \* \* \* 5,000 Units Vitamin D 1,000 Units Vitamin C 50 mg. Vitamin B-1 3 mg. Vitamin B-2 2 mg. Vitamin B-6 0.5 mg. Vitamin B-12 3 mcg. Folic Acid 0.25 mg. Calcium Pantothenate 1.0 mg. Niacinamide 20 mg. Vitamin E \* \* \* 1 mg. Calcium \* \* \* 20 mg. Phosphorus \* \* \* 15 mg. Iron \* \* \* 5 mg. Cobalt \* \* \* 0.25 mg. Iodine \* \* \* 0.25 mg. Magnesium \* \* \* 0.05 mg. Zinc \* \* \* 0.3 mg. One tablet three times daily"; (btl.) "UNIVITE VITAMINS AND MINERALS with B-12 \* \* \* Distributed by United Pharmaceuticals Oakland, California Each tablet contains: VITAMINS A (Acetate) 5,000 U.S.P. Units D (Viosterol) 1,000 U.S.P. Units C (Ascorbic Acid) 50 mg. B<sub>1</sub> (Thiamine Mononitrate) 3 mg. B<sub>2</sub> (Riboflavin) 2 mg. B<sub>6</sub> (Pyridoxine) 0.5 mg. B<sub>12</sub> (Crystalline U.S.P.) 3 mcg. Folic Acid 0.25 mg. Calcium Pantothenate 1.0 mg. Niacinamide 20 mg. E (Mixed Tocopherols) 1 mg. MINERALS Calcium (Dical. Phosphate) 20 mg. Phosphorus (Dical. Phosphate) 15 mg. Iron (Ferrous Sulfate) 5 mg. Cobalt (Cobalt Sulfate) 0.25 mg. Copper (Copper Sulfate) 0.25 mg. Iodine (Potassium Iodide) 0.05 mg. Magnesium (Mag. Sulfate) 3 mg. Manganese (Mang. Sulfate) 0.3 mg. Zinc (Zinc Sulfate) 0.3 mg. Directions: As a dietary supplement."

RESULTS OF INVESTIGATION: The article in the bottles was received in bulk form, and repackaged and labeled by the dealer.

LIBELED: 8-26-58, N. Dist. Calif.

CHARGE: 403(j)—when shipped and while held for sale, the article purported to be and was represented for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B<sub>1</sub>, vitamin C, vitamin D, riboflavin and niacinamide, and calcium, phosphorus, iron or iodine supplied by such article when consumed in a specified quantity during a period of one day.



DISPOSITION: 11-5-58. Default—destruction.

**25243. Oravals multivitamin gelucaps, Multovals multivitamin gelucaps, and Deecals gelucaps.** (F.D.C. No. 41862. S. No. 7-633/4 P, 7-636 P.)

QUANTITY: 286 100-gelucap btls. of Oravals multivitamins, 764 50-gelucap btls. of Multovals multivitamins, and 287 100-gelucap btls. of Deecals, at West Roxbury, Mass.

SHIPPED: Prior to 1-1-58, from St. Louis, Mo.

RESULTS OF INVESTIGATION: Examination showed that the Oravals and Multovals contained less than the stated amount of vitamin B<sub>1</sub>, and the Deecals contained less than the stated amount of vitamin D.

LIBELED: 6-12-58, Dist. Mass.

CHARGE: 402(b)(1)—the valuable constituents, namely, vitamin B<sub>1</sub> (Oravals and Multovals) and vitamin D (Deecals) had been in part omitted or abstracted from the articles while held for sale; and 403(a)—the label statements, (Oravals) "Each Gelucap Contains \* \* \* Vitamin B<sub>1</sub> \* \* \* 10 Mg.," (Multovals) "Each Gelucap Contains: Vitamin B<sub>1</sub> \* \* \* 3 Mg.," and (Deecals) "Each Gelucap Contains \* \* \* not less than 330 U.S.P. Units of Vitamin D" were false and misleading.

DISPOSITION: 7-14-58. Default—destruction.

**25244. Gold's Nature Brand tablets.** (F.D.C. No. 41843. S. No. 16-207 P.)

QUANTITY: 1,008 100-tablet btls. at Worcester, Mass.

SHIPPED: 5-13-58, from Columbus, Ohio. This was a return shipment.

LABEL IN PART: "Gold's Nature Brand Tablets \* \* \* As a dietary supplement \* \* \* six tablets contain: Tricalcium Phosphate 400 mg. Nux Vomica 6 mg. (not less than 0.07 mg. of Strychnine) Damiana 6 mg. Passion Flower Extract 300 mg. Vitamin B<sub>1</sub> 30 mg. Niacinamide 120 mg. Dry Ferrous Sulphate 120 mg. Lecithin 150 mg. Vitamin E 1 I.U."

LIBELED: 5-27-58, Dist. Mass.

CHARGE: 402(a)(2)—when shipped, the article contained added deleterious substances, namely, strychnine, damiana, and passion flower extract, which are unsafe within the meaning of 406 since such substances are not required in the production of the article and can be avoided by good manufacturing practices.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 7-17-58. Default—destruction.

**25245. Thiamin chloride tablets and vitamin B complex capsules.** (F.D.C. No. 41879. S. Nos. 35-367/8 P.)

QUANTITY: 5 ctns., 12 100-tablet btls. each, of thiamin chloride tablets and 2 cases, one containing 22 100-tablet btls. and one containing 36 100-tablet btls. of vitamin B complex capsules, at Philadelphia, Pa.

SHIPPED: During 1952, from New York, N.Y.

LIBELED: 6-24-58, E. Dist. Pa.

CHARGE: 402(b)(1)—valuable constituents of the article, namely, thiamin in both of the articles and riboflavin in the vitamin B complex capsules, had been in part omitted or abstracted from the articles while held for sale; and 403(a)—the label statements (Thiamin Chloride Tablets) "Thiamin Chloride 5 mgs." and (Vitamin B Complex Capsules) "Each capsule represents Vitamin B<sub>1</sub> (Thiamin Chloride 1.5 Mg.) \* \* \* Vitamin B<sub>2</sub> (Riboflavin) 500 Micrograms" were false and misleading.

DISPOSITION: 8-13-58. Default—destruction.

25246. Nestle's Quik. (F.D.C. No. 41912. S. No. 31-180 P.)

QUANTITY: 837 cases, 24 ½-lb. tins each, at Hillside, N.J.

SHIPPED: 6-16-58, from White Plains, N.Y., by Nestle Co., Inc.

LABEL IN PART: (Tin) "Nestle's Quik Delicious Chocolate Flavor Vitamin D<sub>3</sub> Flavored \* \* \* Ingredients: Dutch Processed Cocoa \* \* \* Sugar; Salt; Lecithin, an emulsifier; Vanillin \* \* \* and other flavorings; Vitamin D<sub>3</sub>."

LIBELED: 7-8-58, Dist. N.J.

CHARGE: 403(j)—the article, when shipped, purported to be and was represented for special dietary use by reason of its vitamin D content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for such vitamin supplied by such article when consumed in a specified quantity during a period of one day.

DISPOSITION: 8-19-58. Consent—claimed by Nestle Co., Inc., and relabeled.

25247. Dietetic nougat bar. (F.D.C. No. 41442. S. No. 29-841 P.)

QUANTITY: 5 cases, 24 ctns. each, at New York, N.Y.

SHIPPED: 2-1-58, from Lodi, N.J. This was a return shipment.

LABEL IN PART: (Ctn.) "Ferrara's Delicious New Quality Salt Free Nougat Candy Treat \* \* \* Sugar Reduced Net Weight 7½ Oz. Torrona Ferrara Nougat Candy Salt Free."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 14.9 milligrams of sodium per 100 grams.

LIBELED: 3-12-58, S. Dist. N.Y.

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its use as a means of regulating the intake of sodium, and the label of the article failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of the article and a statement of the number of milligrams of sodium in an average serving of the article.

DISPOSITION: 4-10-58. Default—destruction.

## MISCELLANEOUS FOODS

25248. Proflo nuggets (protein concentrate). (F.D.C. No. 41876. S. No. 35-306 P.)

QUANTITY: 48 100-lb. bags at Philadelphia, Pa.

SHIPPED: 4-3-57, from Fort Worth, Tex.

LIBELED: 6-20-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 7-21-58. Default—destruction.



**25249. Vegetable emulsifier.** (F.D.C. No. 42101. S. No. 15-451 P.)  
**QUANTITY:** 5 100-lb. bags, at Hamilton, Ohio, in possession of Milillo Baking Co.  
**SHIPPED:** 6-27-58, from Chicago, Ill.  
**LIBELED:** 8-26-58, S. Dist. Ohio.  
**CHARGE:** 402(a)(3)—contained rodent pellets, rodent hair fragments, and insects; and 402(a)(4)—held under insanitary conditions.  
**DISPOSITION:** 9-24-58. Default—destruction.

**25250. Holland Dutch Topping.** (F.D.C. No. 42038. S. No. 43-547 P.)  
**QUANTITY:** 6 25-lb. drums at Salt Lake City, Utah.  
**SHIPPED:** Between 5-7-58 and 6-2-58, from Oakland, Calif., by Snyder's Bakery Service, Inc.  
**LABEL IN PART:** "Snyder's—Holland Dutch Topping Contents: Rice Flour, Sugar, Vegetable Shortning, Leavening and Salt."  
**LIBELED:** 7-9-58, Dist. Utah.  
**CHARGE:** 402(a)(3)—contained rodent hairs and insect fragments; and 402(a)(4)—prepared under insanitary conditions.  
**DISPOSITION:** 10-6-58. Default—destruction.

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## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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<sup>1</sup> (25164, 25165) Injunction issued.



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fresh whitefish-----	25218	canned mushrooms-----	25231, 25232
frozen whitefish-----	25220	Keystone Fisheries, Ltd.:	
Cargill, Inc.:		frozen whitefish-----	25213
wheat----- <sup>1</sup>	25165	fresh whitefish-----	25216
Cataldo, Angelo, Jr.:		Knapp-Sherrill Co.:	
candy-----	25188	canned tomatoes-----	25233
Charlotte Salvage Co.:		Kuner-Empson Co.:	
coffee-----	25154	tomato juice-----	25235
Clayton-Brown Co., Inc.:		Lebanon Equity Exchange:	
flour, corn flour, white cornmeal, white cornmeal mix, buttermilk pancake mix, egg noodles, and breading mix--	25158	wheat-----	25171
Commercial Warehouse Co.:		Lederer Terminal Warehouse Co., Inc.:	
unpopped popcorn and dried navy beans-----	25182	rice-----	25180
Consolidated Fisheries Corp.:		Liberty Chocolate Co., Inc.:	
frozen whiting-----	25214	candy-----	25188
Coop. G. L. F. Marketing Service, Inc.:		Lucci, J. V.:	
wheat-----	25166	table and cooking oil-----	25236
Croes, C. W.:		Lucci Sales Co., <i>See</i> Lucci, J. V.	
wheat----- <sup>1</sup>	25164	McDaniel, G. O., Co.:	
Crosswell & Co., Inc.:		canned tomatoes-----	25234
rice and flour-----	25178	Madison Grocery Co.:	
Day, R. M.:		rice and sugar-----	25176
dried pinto beans and rice----	25228	Manvel Farmers Union Elevator Co.:	
Dietetic Food Co., Inc.:		wheat-----	25172
dietetic candy substitute-----	25193	Marconi Olive Oil Co.:	
Dittlinger, H., Roller Mills Co.:		table and cooking oil-----	25240
flour-----	25161	Mary Tapper (boat):	
Dodd's Sauce Co.:		frozen flounder fillets-----	25221
sirup-----	25196	Menzies, W. R.:	
Dorsel, N. J.:		frozen whitefish-----	25219
cornmeal and flour-----	25157	Merchants Creamery Co.:	
Dorsel Co.:		butter-----	25210
cornmeal and flour-----	25157	Milillo Baking Co.:	
Dunn, R. E., Sr.:		vegetable emulsifier-----	25249
dried stockfish and rice-----	25211	flour and Donut mix-----	25160
Farmers Union Elevator of Sanish:		Montecalvo, F., & Sons, Inc.:	
wheat-----	25167	table and cooking oil-----	25241
George, M. E.:		National Retailer-Owned Grocers, Inc.:	
rice and sugar-----	25176	grape jam-----	25227
		N.B.S. Creamery Association:	
		butter-----	25205
		Nestle Co., Inc.:	
		Nestle's Quik-----	25246

<sup>1</sup> (25164, 25165) Injunction issued.

	N.J. No.		N.J. No.
Nolin, C. W.:		Stewart, John W., Co., Inc.:	
tomato juice-----	25235	candy-----	25189
Northeast Iowa Cooperative		Sun Warehouses, Inc.:	
Creameries Association:		dried stockfish and rice-----	25211
butter-----	25209	Taylor, J. C., Creamery:	
Paragon Supply Co.:		butter-----	25210
flour-----	25162	Timberlake Grocery Co.:	
Park, David, Co.:		flour-----	25159
butter-----	25207	T.M.K., Inc.:	
Peterson's Creamery:		candy-----	25190
butter-----	25203	United Pharmaceuticals:	
Pick-Shapiro Fisheries:		Univite vitamin and mineral	
frozen whitefish-----	25219	tablets-----	25242
Planters Nut & Chocolate Co.:		Unity Warehouse Co., Inc.:	
chocolate-covered peanuts----	25186	cocoa press cake-----	25187
Rawl, Walter P., & Sons:		Verdi, Joseph, Co.:	
canned peaches-----	25224	table and cooking oil-----	25238
Rice Growers Association:		Watts & Sons:	
parboiled milled rice-----	25181	butter-----	25208
Richlyn Laboratories:		West Point Creamery Co.:	
Univite vitamin and mineral		butter-----	25206
tablets-----	25242	Whiting Milk Co.:	
Richmond Chase Co.:		butter-----	25204
dried apricots-----	25225	Wiesenfeld Warehouse Co.:	
Rislov, W. S.:		Donut mix, sweet dough mix,	
wheat----- <sup>1</sup>	25165	and flour-----	25185
Rockwood Chocolate Co.:		Williamson, C. L.:	
candy-----	25191	sorghum sirup-----	25195
Ross Seed & Grain Co.:		Wolfe Feed & Grain Co.:	
dried mung beans-----	25229	wheat-----	25175
St. Joseph Foods, Inc.:		Zedros, John, Inc.:	
grape jam-----	25227	olive oil-----	25239
Snider Bros. Co.:		Zenith-Godley Co.:	
sirup-----	25196	butter-----	25209
Snyder's Bakery Service, Inc.:		Zent Elevator Co.:	
Holland Dutch Topping-----	25250	wheat-----	25174
South Dakota Wheat Growers			
Association:			
wheat----- <sup>1</sup>	25164		

<sup>1</sup> (25164, 25165) Injunction issued.



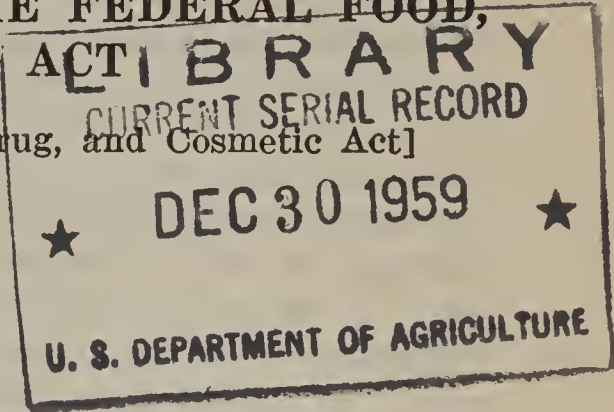
U.S. Department of Health, Education, and Welfare  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

25251-25350

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce; and, in addition, three cases involve the sale of or offer to sell oleomargarine contrary to the law. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty; and (3) injunction proceedings terminated in one case by denial of the injunction and in the other cases by the entry of an injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., November 30, 1959.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 25251-25350**

*Adulteration*, Section 402(a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it was; Section 408(a), poisonous or deleterious pesticide chemicals had been added to a raw agricultural commodity, for which a tolerance had been prescribed by the Secretary of Health, Education, and Welfare, and the quantity of the pesticide chemical was in excess of the tolerance.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (1), the article was in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations and its quality fell below such standard, and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

*Oleomargarine*, Section 407(b) (3), the label of the article, when sold and offered for sale, failed to bear the word "oleomargarine" or "margarine" and a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; and 407(b) (4), each part of the contents of the package was not contained in a wrapper which bore the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

## **BEVERAGES AND BEVERAGE MATERIALS**

**25251. Coffee.** (F.D.C. No. 42167. S. No. 7-727 P.)

**INFORMATION FILED:** 12-16-58, Dist. Mass., against Armand G. Boivin, t/a Union China Tea Co., Fall River, Mass.

**ALLEGED VIOLATION:** Between 5-22-58 and 6-12-58, while a quantity of roasted, unground coffee was being held for sale after shipment in interstate commerce, the defendant caused such coffee to be mixed with cereal and chicory, ground, and packed into retail bags, which resulted in the article being adulterated and misbranded.

**LABEL IN PART:** (Retail bag) "One Pound Net Weight Boivin's High Grade Fresh Roasted Coffee."

**CHARGE:** 402(b) (2)—while held for sale, cereal and chicory had been substituted in part for coffee; 403(a)—the label statement "Coffee" was false and misleading; and 403(i) (2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.



PLEA: Guilty.

DISPOSITION: 5-4-59. \$500 fine and probation for one year.

25252. Coffee skimmings. (F.D.C. No. 42344. S. No. 28-950 P.)

QUANTITY: 119 110-lb. bags at New Orleans, La.

SHIPPED: On various dates during September 1958, from New York, N.Y.

LIBELED: 10-28-58, E. Dist. La.

CHARGE: 402(a)(3)—contained insect-damaged coffee beans and moldy coffee beans while held for sale.

DISPOSITION: 12-22-58. Default—destruction.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

25253. Cornmeal. (F.D.C. No. 42381. S. No. 22-092 P.)

QUANTITY: 255 25-lb. bags at Tulsa, Okla., in possession of Hale-Halsell Co.

SHIPPED: 10-23-58 and 11-5-58, from St. Joseph, Mo.

LIBELED: 11-26-58, N. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-12-58. Consent—destruction.

25254. Cornmeal. (F.D.C. No. 42361. S. No. 38-621 P.)

QUANTITY: 157 25-lb. bags at Hope, Ark., in possession of Stephens Grocer Co.

SHIPPED: 10-11-58, from St. Joseph, Mo.

LIBELED: 11-19-58, W. Dist. Ark.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-15-58. Consent—claimed by Stephens Grocer Co. Segregated; 73 bags denatured for use as animal feed.

25255. Cornmeal and flour. (F.D.C. No. 42303. S. Nos. 29-524/5 P.)

QUANTITY: 142 25-lb. bags of cornmeal and 56 25-lb. bags of flour at Jackson, Miss.

SHIPPED: 9-29-58 and 10-9-58, from Memphis, Tenn., and Birmingham, Ala.

LIBELED: 11-14-58, S. Dist. Miss.

CHARGE: 402(a)(3)—contained rodent urine and (cornmeal) rodent hairs while held for sale.

DISPOSITION: 12-9-58. Default—consumption by animals.

### FLOUR\*

25256. Flour. (F.D.C. No. 42202. S. Nos. 7-731/2 P.)

QUANTITY: 26 100-lb. bags at Fall River, Mass.

SHIPPED: 8-2-58, from Minneapolis, Minn.

LIBELED: 9-22-58, Dist. Mass.

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\*See also No. 25255.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-3-58. Default—consumption by animals.

**25257. Flour.** (F.D.C. No. 42250. S. No. 7-700 P.)

QUANTITY: 210 100-lb. bags at Peabody, Mass.

SHIPPED: 9-5-58, from Wilkes-Barre, Pa.

LIBELED: 10-23-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 12-4-58. Consent—claimed by A. P. Ames & Co., Peabody, Mass., and denatured.

**25258. Flour.** (F.D.C. No. 42175. S. Nos. 34-908/16 P.)

QUANTITY: 87 bales, 2 25-lb. bags each, 98 bales, 5 10-lb. bags each, 124 bales, 10 5-lb. bags each, and 29 bales, 12 2-lb. bags each, at Chambersburg, Pa., in possession of J. W. Myers & Co., Inc.

SHIPPED: Between 2-2-58 and 7-25-58, from Buffalo, N.Y.

LIBELED: 9-5-58, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-13-58. Default—destruction.

**25259. Flour.** (F.D.C. No. 42382. S. No. 38-305 P.)

QUANTITY: 75 100-lb. bags at Morton, Ill., in possession of Miller's Bakery.

SHIPPED: 8-12-58, from Winona, Minn.

LIBELED: 11-29-58, S. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-16-58. Consent—claimed by Miller's Bakery. Segregated; 49 bags denatured for use as animal feed.

**25260. Flour.** (F.D.C. No. 42233. S. Nos. 3-024/8 P.)

QUANTITY: 389 100-lb. bags at Atlanta, Ga., in possession of S. Paul Travis.

SHIPPED: Between 6-19-58 and 9-2-58, from Evansville, Ind., Toledo, Ohio, and Kansas City, Mo.

LIBELED: 10-17-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-27-58. Default—destruction.

**25261. Flour.** (F.D.C. No. 42182. S. No. 8-026 P.)

QUANTITY: 45 100-lb. bags at Adams, Mass.

SHIPPED: Between 6-26-58 and 7-1-58, from Alton, Ill.

LIBELED: 9-11-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-3-58. Default—destruction.

**25262. Rice flour.** (F.D.C. No. 42264. S. Nos. 14-196/7 P.)

QUANTITY: 27 100-lb. bags at Owosso, Mich.

SHIPPED: 6-9-58 and 8-4-58, from Chicago, Ill.



**LIBELED:** 10-1-58, E. Dist. Mich.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-3-58. Consent—claimed by Harris Milling Co., Owosso, Mich., and converted into animal feed.

### MACARONI AND NOODLE PRODUCTS

**25263. Macaroni products.** (F.D.C. No. 42307. S. No. 14-455 P.)

**QUANTITY:** 670 lbs. at Chicago, Ill.

**SHIPPED:** On unknown dates, from St. Louis, Mo., and Brooklyn and New York, N.Y.

**LIBELED:** 11-17-58, N. Dist. Ill.

**CHARGE:** 402(a) (3)—contained insects and moldy macaroni while held for sale.

**DISPOSITION:** 12-23-58. Default—destruction.

**25264. Egg noodles.** (F.D.C. No. 42321. S. No. 8-177 P.)

**QUANTITY:** 9 cases, 12 pkgs. each, at Bath, Maine.

**SHIPPED:** 3-7-58, from Fair Lawn, N.J.

**LIBELED:** 11-21-58, Dist. Maine.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-31-58. Default—destruction.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**25265. Rice.** (F.D.C. No. 42526. S. No. 44-116 P.)

**QUANTITY:** 50 100-lb. bags at Jacksonville, Fla., in possession of Service Warehouse Co., Inc.

**SHIPPED:** 3-25-58, from Houston, Tex.

**LIBELED:** 11-28-58, S. Dist. Fla.

**CHARGE:** 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 1-8-59. Default—consumption by animals.

**25266. Rice.** (F.D.C. No. 42308. S. No. 43-743 P.)

**QUANTITY:** 25 100-lb. bags at Pueblo, Colo., in possession of Associated Grocers of Colorado.

**SHIPPED:** Between 10-25-57 and 8-18-58, from Stuttgart, Ark.

**LIBELED:** 11-19-58, Dist. Colo.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-30-58. Default—consumption by animals.

**25267. Rice.** (F.D.C. No. 42524. S. No. 42-407 P.)

**QUANTITY:** 45 100-lb. bags at Seattle, Wash.

**SHIPPED:** 2-6-58, from Houston, Tex.

**LIBELED:** 11-28-58, W. Dist. Wash.

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\*See also No. 25345.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale.  
DISPOSITION: 12-12-58. Default—destruction.

25268. Rice. (F.D.C. No. 42525. S. Nos. 40-641/2 P.)

QUANTITY: 5,510 100-lb. bags at San Juan, P.R.

SHIPPED: Between 10-6-58 and 10-16-58, from San Francisco, Calif., by C. E. Grosjean Rice Milling Co.

LABEL IN PART: "Milled by C. E. Grosjean Rice Milling Co., San Francisco, Calif. \* \* \* Fortified Rice" or "G J K San Juan Fortified Rice."

RESULTS OF INVESTIGATION: Inspection of the Matson Navigation Co., the carrier of the article, showed that insanitary conditions existed which would result in contamination of the article stored.

LIBELED: 11-28-58, Dist. P.R.

CHARGE: 402(a)(3)—contained bird excreta while in interstate commerce; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-4-58. Consent—claimed by C. E. Grosjean Rice Milling Co. Segregated; 38 bags destroyed.

25269. Rice. (F.D.C. No. 42234. S. Nos. 43-904 P, 43-906/7 P.)

QUANTITY: 487 25-lb. bags and 824 10-lb. bags at Marion, S.C., in possession of Marion Wholesale Co.

SHIPPED: Between 7-11-58 and 9-9-58, from Stuttgart, Ark., and Mobile, Ala.

LIBELED: 10-21-58, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-26-58. Default—destruction.

25270. Rice. (F.D.C. No. 42224. S. Nos. 3-016/20 P.)

QUANTITY: 3 100-lb. bags, 109 10-lb. bags, and 32 25-lb. bags at Darlington, S.C., in possession of Thomas & Howard Co., Inc.

SHIPPED: Between 7-29-58 and 9-10-58, from Houston, Tex., and Rayne, La.

LIBELED: 10-13-58, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-21-58. Default—consumption by animals.

25271. Rice. (F.D.C. No. 42265. S. Nos. 44-091/4 P.)

QUANTITY: 76 100-lb. bags at Jacksonville, Fla., in possession of National Grocery Co.

SHIPPED: Between 1-17-58 and 4-18-58, from Stuttgart, Ark.

LIBELED: 10-1-58, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-23-58. Default—delivered to a Federal institution for use as animal feed.

25272. Rice. (F.D.C. No. 42144. S. No. 34-926 P.)

QUANTITY: 41 100-lb. bags at York, Pa.

SHIPPED: 6-18-58, from Estherwood, La., by Broussard Rice Mill.



**LIBELED:** 10-14-58, M. Dist. Pa.

**CHARGE:** 402(a)(3)—contained moldy rice while held for sale; and 403(e)(1)—when shipped, the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** 11-14-58. Default—destruction.

**25273. Wheat.** (F.D.C. No. 42362. S. No. 20-001 P.)

**QUANTITY:** 120,600 lbs. at Kansas City, Kans.

**SHIPPED:** 11-10-58, from Dalton, Nebr., by Central States Grain Co.

**LIBELED:** 11-21-58, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 12-5-58. Consent—claimed by Central States Grain Co. Segregated; 7,360 lbs. denatured.

**25274. Wheat.** (F.D.C. No. 42174. S. No. 42-025 P.)

**QUANTITY:** 88,200 lbs. at Tacoma, Wash.

**SHIPPED:** 8-11-58, from Belgrade, Mont., by Montana Elevator Co.

**LIBELED:** 9-5-58, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 9-10-58. Consent—claimed by Montana Flour Co., Montana Elevator Division, Great Falls, Mont., and reconditioned for sale as animal feed.

**25275. Wheat.** (F.D.C. No. 41797. S. No. 41-768 P.)

**QUANTITY:** 123,000 lbs. at Spokane, Wash.

**SHIPPED:** 5-16-58, from Opheim, Mont., by McCabe Co.

**LIBELED:** 6-11-58, E. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-30-58. Consent—claimed by McCabe Co. Segregated; unfit portions converted to animal feed.

**25276. Wheat.** (F.D.C. No. 41914. S. No. 4-069 P.)

**QUANTITY:** 1,254 bushels of wheat at Bartonville, Va.

**SHIPPED:** Between 4-22-58 and 5-9-58, from St. James, Md., by Myron L. Bloom.

**LIBELED:** On or about 7-14-58, W. Dist. Va.

**CHARGE:** 402(a)(3)—contained insects and insect-damaged kernels when shipped.

**DISPOSITION:** 7-17-58. Consent—claimed by Springdale Flour Mills, Bartonville, Va., and used to make furniture glue.

**25277. Wheat.** (F.D.C. No. 41793. S. No. 9-385 P.)

**QUANTITY:** 102,000 lbs. at Buffalo, N.Y.

**SHIPPED:** 5-21-58, from Fostoria, Ohio, by Ohio Farmers Grain Corp.

**LIBELED:** 6-2-58, W. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained rodent pellets when shipped.

**DISPOSITION:** 6-3-58. Consent—claimed by Ohio Farmers Grain Corp., and converted into animal feed.

**25278. Wheat.** (F.D.C. No. 42342. S. No. 21-463 P.)

**QUANTITY:** 61,800 lbs. at Kansas City, Kans.

**SHIPPED:** 10-1-58, from Pawnee, Nebr., by Schilling Grain Co.

**LIBELED:** 10-17-58, Dist. Kans.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 12-1-58. Consent—claimed by Norris Grain Co. Segregated; 1,130 lbs. denatured.

**25279. Wheat.** (F.D.C. No. 42432. S. No. 22-340 P.)

**INFORMATION FILED:** 3-17-59, Dist. Kans., against Alvin J. Wolfe, t/a Wolfe Feed & Grain Co., Hiawatha, Kans.

**SHIPPED:** 9-24-58, from Kansas to Missouri.

**CHARGE:** 402(a) (3)—contained rodent excreta; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 4-9-59. \$50 fine, plus costs.

**25280. Wheat flakes, protein flakes (cereal), and muffin mix.** (F.D.C. No. 42215. S. Nos. 25-265 P, 25-269 P, 25-275 P.)

**QUANTITY:** 4 cases, 24 8-oz. ctns. each, of wheat flakes; 25 cases, 24 6½-oz. ctns. each, of protein flakes (cereal); and 18 cases, 12 14-oz. ctns. each, of muffin mix, at Decorah, Iowa, in possession of S. E. Brickner.

**SHIPPED:** Between 2-18-58 and 8-18-58, from Chicago, Ill.

**LIBELED:** On or about 10-6-58, N. Dist. Iowa.

**CHARGE:** 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 11-5-58. Default—consumption by animals.

## DAIRY PRODUCTS

### BUTTER

**25281. Butter.** (F.D.C. No. 42515. S. Nos. 41-151 P, 42-523 P.)

**QUANTITY:** 563 cases, 32 1-lb. prints each, at Seattle, Wash.

**SHIPPED:** 9-22-58, from Aurora, Nebr., by Farmers Union Co-op Creameries.

**LABEL IN PART:** "Superior Brand Butter Farmers Union Co-op. Creameries, Superior, Aurora, Fremont and Fairbury, Nebr. Made from selected pasteurized cream."

**LIBELED:** 11-26-58, W. Dist. Wash.

**CHARGE:** 402(a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 12-24-58. Consent—claimed by Farmers Union Co-op Creameries, and converted into butter oil.

**25282. Butter.** (F.D.C. No. 41122. S. No. 4-655 P.)

**QUANTITY:** 249 1-lb. ctns. at Harrisonburg, Va.

**SHIPPED:** 9-22-58, from Hagerstown, Md., by Potomac Creamery Co., Inc.

**LABEL IN PART:** (Ctn.) "Shenandoah's Pride Brand Creamery Butter."

**LIBELED:** About 10-4-58, W. Dist. Va.



**CHARGE:** 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 10-21-58. Consent—claimed by Valley of Virginia Co-operative Milk Producers Association, and incorporated into an ice cream mix.

**25283. Butter.** (F.D.C. No. 41131. S. No. 62-598 P.)

**QUANTITY:** 13 64-lb. boxes at Chicago, Ill.

**SHIPPED:** 5-16-59, from Franklinton, La., by Louisiana-Mississippi Milk Producers Association.

**LIBELED:** 6-2-59, N. Dist. Ill.

**CHARGE:** 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter when shipped.

**DISPOSITION:** 6-11-59. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and reworked to bring the article into compliance with the law.

**25284. Butter.** (F.D.C. No. 41130. S. No. 26-897 P.)

**QUANTITY:** 59 60-lb. boxes at New York, N.Y.

**SHIPPED:** 1-30-59, from Sumner, Iowa, by Kroblin Warehouse.

**LIBELED:** 2-24-59, S. Dist., N.Y.

**CHARGE:** 402(b)(2)—the article was below the legal standard for milk fat when shipped.

**DISPOSITION:** 3-18-59. Consent—claimed by Frederick F. Lowenfels & Son, New York, N.Y., and reworked.

## CHEESE

**25285. Cottage cheese.** (F.D.C. No. 42402. S. Nos. 14-127 P, 26-465 P.)

**INDICTMENT RETURNED:** 3-4-59, S. Dist. Iowa, against Iowa's Dairyland Products, Inc., Sigourney, Iowa.

**SHIPPED:** 7-24-58 and 7-31-58, from Iowa to Illinois.

**LABEL IN PART:** (Box) "Nichols Badger Brand Bakers Cheese (Cottage Cheese) 30 Lbs. Net Wt. Nichols Badger Brand Products, Inc. 2126 West Grand Avenue Chicago 12, Illinois Dist. by Meinerz Creamery-Milwaukee, Wisconsin."

**CHARGE:** 402(a)(3)—contained manure fragments, fly legs, rodent hair fragments, insects, and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 4-29-59. \$500 fine, plus costs.

**25286. Provoloni cheese, mandarine cheese, and black olives (3 seizure actions).**  
(F.D.C. No. 42147. S. Nos. 34-820 P, 35-761/2 P.)

**QUANTITY:** 4 pear-shaped and 14 round provoloni cheeses, 22 mandarine cheeses, and 2 barrels, 72 lbs. each, of black olives in brine, at Scranton, Pa.

**SHIPPED:** During 1954 or 1955 (provoloni cheese), from Italy; 4-25-56 (mandarine cheese), from Allentown, Wis.; and 12-9-57 (olives), from New York, N.Y.

**LIBELED:** 10-16-58 (3 libels filed), E. Dist. Pa.

CHARGE: 402(a)(3)—contained mites (provoloni cheese), maggots and mold (mandarine cheese), and sour flies, fly eggs, and maggots (olives) while held for sale.

DISPOSITION: 11-17-58. Default—destruction.

## EGGS

25287. Frozen whole eggs. (F.D.C. No. 42212. S. Nos. 29-461 P, 29-595/600 P.)

QUANTITY: 1,149 30-lb. cans at New Orleans, La.

SHIPPED: The article was shipped as shell eggs between 12-28-56 and 9-3-58, from Arkansas, Illinois, Kansas, Mississippi, Nebraska, and Texas.

LIBELED: 10-2-58, E. Dist. La.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 3-3-59. Default—destruction.

25288. Frozen whole eggs. (F.D.C. No. 42126. S. No. 29-594 P.)

QUANTITY: 1,020 cans at New Orleans, La.

SHIPPED: 3-20-58, from Philadelphia, Pa. This was a return shipment.

LABEL IN PART: "Sunrise Acres Frozen Whole Eggs Contents 30 Lbs. Net Packed by Nick J. Christiana \* \* \* Algiers, La."

LIBELED: 9-19-58, E. Dist. La.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 3-3-59. Default—destruction.

## FISH AND SHELLFISH

25289. Fresh whitefish. (F.D.C. No. 42197. S. No. 11-497 P.)

QUANTITY: 10 60-lb. boxes at Chicago, Ill.

SHIPPED: 9-6-58, from Winnipeg, Canada, by Keystone Fisheries, Ltd.

LABEL IN PART: "Fresh Dsd Whitefish Product of Canada So Indian Lake Med-Cert 4091."

LIBELED: 9-18-58, N. Dist. Ill.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 10-14-58. Default—destruction.

25290. Frozen ocean perch fillets. (F.D.C. No. 42266. S. No. 7-899 P.)

QUANTITY: 840 cases, 12 1-lb. ctns. each, and 1 case, containing 11 1-lb. ctns., at Gloucester, Mass.

SHIPPED: The fillets were from fish caught by the fishing vessel "North Sea" in the Atlantic Ocean outside the limits of Massachusetts, on October 16, 1958.

LIBELED: 10-28-58, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 12-24-58. Consent—claimed by State Fisheries, Gloucester, Mass. Segregated; 640 lbs. destroyed.

25291. Frozen haddock fillets. (F.D.C. No. 41944. S. No. 7-711 P.)

QUANTITY: 254 cases, each containing 12 boxes, at Boston, Mass.

SHIPPED: The fillets were prepared and packed from fish caught by the fishing vessels "Minnie," "Thomas D," and "Caracara" in the waters of the Atlantic Ocean outside the limits of Massachusetts, on 7-7-58.



**LABEL IN PART:** (Box) "Birds Eye Brand Haddock Fillets \* \* \* Net Wt. 12 Oz. \* \* \* Distributed by Birds Eye Div. of General Foods Corp., White Plains, N.Y.

**LIBELED:** 7-21-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped.

**DISPOSITION:** 9-3-58. Default—consumption by animals.

**25292. Frozen haddock fillets.** (F.D.C. No. 41943. S. No. 7-755 P.)

**QUANTITY:** 95 10-lb. ctns. at Boston, Mass.

**SHIPPED:** The fillets were prepared and packed from fish caught by the fishing vessel "Atlantic" in the waters of the Atlantic Ocean outside the limits of Massachusetts, on 7-1-58.

**LABEL IN PART:** "Seacrest Brand Frosted Fillets Haddock To be weighed at time of sale Distributed by New England Fillet Co., Inc., Boston, Mass."

**LIBELED:** 7-22-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped.

**DISPOSITION:** 9-3-58. Default—consumption by animals.

**25293. Frozen haddock fillets.** (F.D.C. No. 41942. S. Nos. 7-512/13 P.)

**QUANTITY:** 412 5-lb. ctns. at Boston, Mass.

**SHIPPED:** The fillets were from fish caught by the fishing vessel "Terra Nova" in the waters of the Atlantic Ocean outside the limits of Massachusetts, on 6-27-58.

**LIBELED:** 7-22-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped.

**DISPOSITION:** 9-15-58. Default—consumption by animals.

**25294. Frozen haddock fillets.** (F.D.C. No. 41941. S. No. 7-511 P.)

**QUANTITY:** 93 10-lb. ctns. at Boston, Mass.

**SHIPPED:** The fillets were from fish caught by the fishing vessel "Weymouth" in the waters of the Atlantic Ocean outside the limits of Massachusetts, on 6-24-58.

**LIBELED:** 7-22-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped.

**DISPOSITION:** 9-19-58. Default—consumption by animals.

**25295. Frozen pollock fillets.** (F.D.C. No. 42301. S. Nos. 47-362/3 P.)

**QUANTITY:** 50 13½-lb. blocks at Gloucester, Mass.

**SHIPPED:** The fillets were from fish caught by the fishing vessels "Admiral" and "Ocean Spray" in the Atlantic Ocean outside the limits of Massachusetts and unloaded at Gloucester, Mass., on 10-22-58.

**LIBELED:** 11-17-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish when shipped.

**DISPOSITION:** 12-30-58. Default—consumption by animals.

**25296. Frozen whiting.** (F.D.C. No. 42338. S. Nos. 21-655 P, 21-657 P.)

**QUANTITY:** 31,850 lbs., in ctns. containing 5 10-lb. boxes each, at Kansas City, Mo.

SHIPPED: 8-26-58 and 8-29-58, from Portland, Maine, by Central Wharf Cold Storage.

LABEL IN PART: (Ctn.) "H & D Whiting 5/10 Mid-Central Fish Co. Of Maine Portland, Maine."

LIBELED: 10-24-58, W. Dist. Mo.

CHARGE: 402(a)(3)—contained decomposed fish when shipped; 402(b)(2)—partly eviscerated whiting had been substituted for dressed whiting which the article was represented to be; 402(b)(4)—partially eviscerated whiting had been packed with the article so as to make it appear to be dressed whiting, which is better and of greater value than the article; 403(a)—the label statement "H & D Whiting" was false and misleading as applied to fish which were only partly eviscerated; and 403(e)(1)—the box label of the article failed to bear the name and address of the manufacturer, packer, or distributor.

DISPOSITION: 12-24-58. Default—destruction.

**25297. Canned sardines.** (F.D.C. No. 42504. S. No. 47-345 P.)

QUANTITY: 3 cases, 100 tins each, and 83 ctns., 25 tins each, at Boston, Mass.

SHIPPED: 7-16-58, from Denmark.

LIBELED: 11-21-58, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 12-17-58. Consent—claimed by S. S. Pierce Co., Boston, Mass. Segregation operations to separate the good portion from the bad proved to be unsatisfactory and the article was destroyed.

**25298. Frozen frog legs.** (F.D.C. No. 42279. S. No. 32-188 P.)

QUANTITY: 3 ctns., 10 5-lb. pkgs. each, at Monmouth Beach, N.J.

SHIPPED: 2-24-58, from New York, N.Y.

LIBELED: On or about 11-21-58, Dist. N.J.

CHARGE: 402(a)(3)—contained decomposed frog legs while held for sale.

DISPOSITION: 12-19-58. Default—destruction.

**25299. Fresh crabmeat.** (Inj. 317.)

COMPLAINT FOR INJUNCTION FILED: 10-10-57, Dist. Md., against Irving F. Cannon, an individual trading as I. F. Cannon & Son, Crapo, Md., and Irving F. Cannon, Jr., an individual.

CHARGE: The complaint alleged that the defendants were engaged at Crapo, Md., in the business of preparing, packing, and shipping fresh crabmeat in interstate commerce, which was adulterated within the meaning of 402(a)(4) by reason of being prepared, packed, and held under insanitary conditions.

It was alleged that the insanitary conditions in the plant operated by the defendants at Crapo, Md., resulted from and consisted of the presence of numerous flies throughout the plant, on the equipment, on the employees, and on the crabs and crabmeat being prepared and packed; broken and ill-fitting screen doors in the plant; filthy toilet facilities with ill-fitting doors through which the flies entered and returned to other parts of the plant; inadequate toilet facilities for employee use.

It was alleged further that the insanitary conditions consisted of careless practices on the part of the employees in the preparing, packing, and handling of the food, namely, placing crabs and claws which had fallen to the floor into the crab hopper and on the picking tables; placing tubs for the crabs on the crab



hopper and picking tables after the tubs had been set on the floor; handling and picking crabmeat without washing their hands after moving and carrying the crab tubs, and after using the toilets; wiping knife blades on their clothes to clean them, and other similar careless and insanitary practices.

The complaint alleged further that the defendants were well aware that their activities were violative of the Act; that a number of inspections had been made by inspectors of the Food and Drug Administration, at which times the insanitary conditions were called to the attention of the defendants; and, that despite such warnings, the defendants failed to correct the insanitary conditions and continued to introduce into interstate commerce, the fresh crabmeat which was adulterated.

**DISPOSITION:** On 11-6-57, the defendants having consented, the court entered a decree enjoining and restraining the defendants from causing the introduction into interstate commerce, of fresh crabmeat or any similar article of food, unless and until the following acts were done:

(a) The defendants' plant at Crapo, Md., was rendered suitable for the preparation, packing, and holding of food for human consumption; all fly infestation was eliminated; all means of ingress and egress to the plant by flies and other insects were closed by replacing, repairing, or installing screening on the doors, windows, and other apertures in the plant; the ill-fitting doors on the toilets were repaired or replaced to prevent flies from entering toilets and returning to other parts of the plant; toilet facilities for employee use were provided and maintained in a sanitary condition; and any other similar insanitary conditions in and about the plant were eliminated; and

(b) a program or procedure was instituted to eliminate careless practices on the part of the defendants and their employees in the preparing, packing, and handling of fresh crabmeat or any similar article of food whereby it might become contaminated, namely, placing crabs and claws which had fallen to the floor into the crab hopper and on the picking tables after the tubs had sat on the floor, handling and picking crabmeat by employees who had not washed their hands after moving and carrying the crab tubs and after using the toilets; wiping knife blades by employees on their clothes to clean them; and other similar insanitary practices which might result in the contamination of the food being prepared and packed.

**25300. Oysters. (Inj. No. 306.)**

**COMPLAINT FOR INJUNCTION FILED:** 1-10-57, E. Dist. Va., against W. F. Morgan & Sons, a partnership, Weems, Va., and Cranston Morgan and Raymond F. Morgan, partners in the partnership.

**CHARGE:** The complaint alleged that the defendants had been engaged in the business of processing, preparing, packing into hermetically sealed and friction top cans, and selling and distributing raw oysters; and that the defendants had been introducing and delivering for introduction into interstate commerce, raw oysters which were adulterated within the meaning of 402(b)(2) and 402(b)(4), in that water had been substituted in part for oysters and in that water had been added, mixed, and packed with the oysters so as to increase their bulk and reduce their quality, when such oysters were found to contain more than 5 percent of drained liquid, or less total solids than an absolute minimum of 10.40 percent, or less total solids than the total solids of comparable fresh, shell oysters shucked and processed in accordance with the procedures prescribed in the standards of identity for such oysters.

**DISPOSITION:** The defendants having filed answers denying that the oysters were adulterated as alleged in the complaint, the case came on for trial before the court without a jury on or about September 8, 1957. The trial was concluded on 9-12-57, at which time the court handed down its decision that the Government had not made out a case which would justify an injunction [155 F. Supp. 40]. In accordance with such decision, formal findings of fact and conclusions of law were entered by the court on 11-26-57 [155 F. Supp. 847].

## FRUITS AND VEGETABLES

### CANNED FRUIT

**25301. Canned peaches.** (F.D.C. No. 42354. S. No. 29-120 P.)

**QUANTITY:** 400 cases, 24 cans each, at New Orleans, La.

**SHIPPED:** 9-15-58, from Haddock, Ga., by Cherokee Products Co.

**LABEL IN PART:** (Can) "O'Sage Brand Contents 1 Lb. 13 Oz. Halves-Yellow Freestone Peaches In Heavy Syrup Packed by Cherokee Products Co., Haddock, Ga." or "Raggedy Ripe Freestone."

**LIBELED:** 11-12-58, E. Dist. La.

**CHARGE:** 402(a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 12-12-58. Consent—claimed by Cherokee Products Co. Segregated; 173 cases, 24 cans each, destroyed.

### DRIED FRUIT

**25302. Pitted dates.** (F.D.C. No. 42122. S. Nos. 29-630 P, 29-635 P.)

**QUANTITY:** 18 cases, 12 1-lb. boxes each, and 14 cases, 24 8-oz. boxes each, at Abilene, Tex.

**SHIPPED:** 10-14-57, from Fort Worth, Tex.

**LIBELED:** On or about 9-22-58, N. Dist. Tex.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-8-58. Default—destruction.

**25303. Pitted dates.** (F.D.C. No. 42225. S. Nos. 38-423 P, 38-565 P.)

**QUANTITY:** 58 cases, 24 8-oz. pkgs. each, and 34 cases, 24 1-lb. pkgs. each, at Hope, Ark., in possession of Stephens Grocer Co.

**SHIPPED:** 8-24-57, from New York, N.Y.

**LIBELED:** 10-10-58, W. Dist. Ark.

**CHARGE:** 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-1-58. Default—consumption by animals.

### MISCELLANEOUS FRUIT PRODUCTS

**25304. Canned orange juice.** (F.D.C. No. 42190. S. No. 7-584 P.)

**QUANTITY:** 100 cases, 24 1-pt. 2-oz. cans each, at Somerville, Mass.

**SHIPPED:** 8-25-58, from East Providence, R.I., by First National Stores, Inc.

**LABEL IN PART:** (Can) "'YOR' Garden California Unsweetened Orange Juice."



RESULTS OF INVESTIGATION: Examination showed that the article contained added water.

LIBELED: 9-16-58, Dist. Mass.

CHARGE: 402(b) (2)—water had been substituted in part for orange juice when shipped; and 403(a)—the label statement "Orange Juice" was false and misleading.

DISPOSITION: 10-31-58. Default—destruction.

**25305. Canned orange juice.** (F.D.C. No. 42196. S. No. 7-927 P.)

QUANTITY: 137 cases, 24 1-pt. 2-oz. cans each, at Portland, Maine.

SHIPPED: 4-24-58, from Anaheim, Calif., by E. A. Silzle Corp.

LABEL IN PART: (Can) "'YOR' Garden California Unsweetened Orange Juice \* \* \* First National Stores Inc. Distributors Somerville, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article contained added water.

LIBELED: 10-1-58, Dist. Maine.

CHARGE: 402(b) (2)—water had been substituted in part for orange juice when shipped; and 403(a)—the label statement "Orange Juice" was false and misleading.

DISPOSITION: 12-5-58. Default—delivered to a local institution for charitable use.

#### VEGETABLES AND VEGETABLE PRODUCTS\*

**25306. Dried black-eyed beans, dried California red beans, dried lima beans, dried pink beans, dried small white beans, dried kidney beans, and dried sunflower seeds.** (Inj. No. 314.)

COMPLAINT FOR INJUNCTION FILED: 6-11-57, N. Dist. Calif., against Antone A. Anastasi, Sr., t/a Oakland Bean Cleaning & Storage Co., Knights Landing, Calif., and Antone A. Anastasi, Jr., warehouse manager.

CHARGE: The complaint alleged that the defendants were engaged in the business of cleaning, bagging, storing, and distributing various varieties of dried beans and sunflower seeds, and, that they had been and were introducing and causing to be introduced into interstate commerce, such articles which were adulterated within the meaning of 402(a) (3) and (4) by reason of the presence therein of rodent filth, and by reason of holding such articles under insanitary conditions at the defendants' warehouse at Knights Landing.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of dead rodents, rodent urine, rodent feces, rodent hairs, and other filth contributed by rodents in and about the foods stored in the defendants' warehouse.

The complaint alleged further that the defendants were well aware that their activities were violative of the Act; that various inspections had been made by the Food and Drug Administration, at which times the insanitary conditions in the plant were called to the attention of the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions and continued to introduce into interstate commerce, foods which were adulterated as specified above.

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\*See also No. 25286.

**DISPOSITION:** On 6-11-57, the court issued a temporary restraining order enjoining the defendants from introducing into interstate commerce, various varieties of dried beans and sunflower seeds adulterated within the meaning of 402(a) (3) and (4). The order also enjoined the defendants against introducing into interstate commerce, any dried beans on hand at defendants' warehouse at Knights Landing, Calif., which were stored there on 5-7-57, and any sunflower seeds on hand at such warehouse which were stored there on 4-23-57. On 6-19-57, upon stipulation of the parties, the court ordered that the temporary restraining order remain in effect until 8-9-57, and that the articles of food covered by the order be released from the terms of the order when brought into compliance with the law under the supervision of the Food and Drug Administration.

On 8-8-57, the defendants having consented, the court entered a decree permanently enjoining and restraining the defendants from introducing into interstate commerce, foods, as described in the complaint, which are adulterated within the meaning of 402(a) (3) and (4).

It was further ordered that, upon final disposition of all beans and sunflower seeds stored or handled by the defendants from the production of the 1957-1958 crop year, the court would entertain a motion to dissolve the injunction provided that the Government inform the court that defendants' storage, processing, and distribution of such foods were in compliance with the decree.

**25307. Dried fava beans.** (F.D.C. No. 42195. S. Nos. 30-059/60 P.)

**QUANTITY:** 8 155-lb. bags and 4 110-lb. bags at New York, N.Y.

**SHIPPED:** From Portugal.

**LIBELED:** 9-22-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 10-24-58. Default—destruction.

**25308. Dried mung beans.** (F.D.C. No. 42529. S. Nos. 47-408 P, 47-411 P.)

**QUANTITY:** 25 100-lb. bags, at Charlestown, Mass., in possession of Hoosac Storage & Warehouse Co.

**SHIPPED:** 10-31-58, from Enid, Okla.

**LIBELED:** 11-26-58, Dist. Mass.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-30-58. Default—destruction.

**25309. Dried pinto beans.** (F.D.C. No. 42176. S. No. 32-027 P.)

**QUANTITY:** 92 100-lb. bags at Hoboken, N.J.

**SHIPPED:** 5-29-58, from Moses Lake, Wash.

**LIBELED:** 9-9-58, Dist. N.J.

**CHARGE:** 402(a) (3)—contained rodent urine while held for sale.

**DISPOSITION:** 10-21-58. Consent—claimed by East Coast Food Merchants Co., Hoboken, N.J. Segregated; 30 bags destroyed.

**25310. Dried chickpeas.** (F.D.C. No. 42259. S. No. 8-027 P.)

**QUANTITY:** 4 110-lb. bags at Boston, Mass.

**SHIPPED:** 7-10-58, from New York, N.Y.

**LIBELED:** 9-25-58, Dist. Mass.



CHARGE: 402(a)(3)—contained insects and insect-damaged peas while held for sale.

DISPOSITION: 11-3-58. Default—destruction.

**25311. Dried green split peas.** (F.D.C. No. 42254. S. No. 31-840 P.)

QUANTITY: 36 100-lb. bags at Union, N.J.

SHIPPED: 6-6-58, from Denver, Colo.

LIBELED: 10-28-58, Dist. N.J.

CHARGE: 402(a)(3)—contained insect larvae and insect excreta while held for sale.

DISPOSITION: 12-8-58. Default—destruction.

**25312. Lettuce.** (F.D.C. No. 42208. S. No. 22-839 P.)

QUANTITY: 959 ctns. at New York, N.Y.

SHIPPED: 9-18-58, from Willcox, Ariz., by Gold Badge Farms.

LABEL IN PART: "Two Dozen \* \* \* Westward Ho Quality Lettuce \* \* \* Gold Badge Farms, Growers, Shippers, Packers, Phoenix, Ariz \* \* \* Willcox."

LIBELED: 9-29-58, S. Dist. N.Y.

CHARGE: 402(a)(2)—when shipped, the article contained poisonous and deleterious substances, namely, parathion and a fluorine compound, which are unsafe within the meaning of 408 since the quantity of parathion and fluorine compound contained in the article exceeded the tolerances for such pesticide chemicals on lettuce.

DISPOSITION: 10-14-58. Default—destruction.

**25313. Frozen field peas with snaps.** (Inj. No. 322.)

COMPLAINT FOR INJUNCTION FILED: 11-21-57, M. Dist. Ga., against Southern Frozen Foods, Inc., a corporation, Montezuma, Ga., and William H. McKenzie, Jr., president.

CHARGE: The complaint alleged that the defendants were engaged at Montezuma, Ga., in the business of preparing, packing, and distributing frozen field peas with snaps, and had been and were introducing and causing to be introduced into interstate commerce, field peas with snaps which were adulterated within the meaning of 402(a)(3) and (4) by reason of the presence of corn ear worms, fall army worms, and insect-damaged peas; and by reason of being prepared and packed under insanitary conditions at defendants' plant in Montezuma, Ga.

It was alleged further that the insanitary conditions resulted from and consisted of a plant which was unscreened and open to insects and animals; the presence of house flies in the plant and in and around the equipment used for preparing and packing the frozen field peas with snaps.

It was alleged also that the defendants had on hand in a warehouse in Columbus, Ga., 1,466 cases, 24 10-oz. pkgs. each, of frozen field peas with snaps which would in the usual and ordinary course of business be shipped in interstate commerce, and that such article constituted a menace to interstate commerce, in that it was adulterated as described above.

The complaint alleged further that the defendants were well aware that their acts were violative of the law; that various inspections had been made of the defendants' plant by representatives of the Food and Drug Administration, at which times the defendants had been warned against the interstate

shipment of contaminated foods; and that the defendants had been found guilty on December 20, 1954, of shipping in interstate commerce, food adulterated by insects and insect-damaged peas and were fined \$375 each.

**DISPOSITION:** On 1-16-58, the defendants having consented, the court entered a decree permanently enjoining the defendants from introducing or causing to be introduced into interstate commerce, (a) frozen field peas with snaps or any other such article of food which was adulterated by reason of the presence therein of a filthy substance; and (b) any of the 1,466 cases, 24 10-oz. pkgs. each, of frozen field peas with snaps which were stored to the account of the defendant in the warehouse at Columbus, Ga.

**25314. Canned cut green beans.** (F.D.C. No. 42243. S. No. 43-419 P.)

**QUANTITY:** 59 cases, 24 cans each, at Roswell, N. Mex.

**SHIPPED:** 8-19-58, from Weslaco, Tex., by Kimbell Canning Co.

**LABEL IN PART:** (Can) "Diamond Brand Cut Green Beans Net Weight 15½ Oz. Packed by Kimbell Food Products Co. \* \* \* Fort Worth, Texas."

**LIBELED:** 10-23-58, Dist. N. Mex.

**CHARGE:** 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned cut green beans because of excessive fibrous material, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** 11-25-58. Default—delivered to a charitable institution for its use and not for sale.

**25315. Canned corn.** (F.D.C. No. 42379. S. No. 40-236 P.)

**QUANTITY:** 653 cases, 24 1-lb. cans each, at Oakland, Calif.

**SHIPPED:** Between 3-14-58 and 10-27-58, from Emmett, Idaho, by Gem Canning Co.

**LABEL IN PART:** (Can) "Market Brand Cream Style Golden Corn \* \* \* Distributed By Standard Wholesale Grocery Inc. Oakland, California."

**LIBELED:** 11-26-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained decomposed corn when shipped.

**DISPOSITION:** 12-16-58. Default—destruction.

**25316. Canned peppers.** (F.D.C. No. 42328. S. Nos. 40-158/9 P.)

**QUANTITY:** 89 cases, 24 8-oz. jars each, and 202 cases, 24 12-oz. jars each, at San Francisco, Calif.

**SHIPPED:** 3-20-58, from Leghorn, Italy.

**RESULTS OF INVESTIGATION:** The peppers were shipped in barrels, as described above, and after such shipment the Haar Pickle Co., Division of Lady's Choice Foods, Hayward, Calif., repacked the peppers into jars and shipped them to San Francisco, Calif.

Inspection of the Haar Pickle Co. showed that the peppers were packed under insanitary conditions in brine contaminated with insects.

**LIBELED:** 10-23-58, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 2-3-59. Default—destruction.



**25317. Canned succotash.** (F.D.C. No. 42245. S. No. 4-772 P.)

QUANTITY: 21 cases, 24 cans each, at Suffolk, Va.

SHIPPED: 3-14-58 and 5-21-58, from Baltimore, Md.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 10-24-58, E. Dist. Va.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 11-17-58. Default—destruction.

**25318. Canned mushrooms.** (F.D.C. No. 42357. S. No. 29-343 P.)

QUANTITY: 43 cases, 24 cans each, at New Orleans, La.

SHIPPED: 4-23-58, from Brooklyn, N.Y., by Mayer Gulden Annis, Inc.

LABEL IN PART: (Can) "First State Stems and Pieces Mushrooms \* \* \*  
Grown and Packed By Delaware Mushroom Cooperative Association, Wilmington, Delaware."

LIBELED: On or about 11-25-58, E. Dist. La.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 12-23-58. Default—destruction.

**25319. Canned mushrooms.** (F.D.C. No. 42253. S. No. 30-822 P.)

QUANTITY: 30 ctns., 24 16-oz. cans each, at Brooklyn, N.Y.

SHIPPED: On an unknown date, from France.

LIBELED: 11-3-58, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 11-20-58. Default—destruction.

**25320. Pickle relish.** (F.D.C. No. 42217. S. No. 7-946 P.)

QUANTITY: 113 cases, 4 1-gal. jars each, at Nashua, N.H.

SHIPPED: 8-14-58, from Roxbury, Mass., by R & S Pickle Works, Inc.

LABEL IN PART: (Jar) "Mrs. Lane's Brand Sweet Relish Cucumbers, Sugar, Vinegar, Peppers, Cauliflower, Onions, Salt, Flavor, Spices, Alum, Turmeric and 0.1% Benzoate of Soda Foodland, Inc. Distributors Cleveland, Ohio."

LIBELED: 10-1-58, Dist. N.H.

CHARGE: 402(a)(3)—contained insects; 402(a)(4)—prepared and packed under insanitary conditions; and 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since gums were not declared.

DISPOSITION: 12-12-58. Default—destruction.

**25321. Brined pickle products.** (Inj. No. 308.)

COMPLAINT FOR INJUNCTION FILED: 2-6-57, Dist. Md., against Walter O. Whitely, owner of a pickle salting plant at Williamsburg, Md.

CHARGE: The complaint alleged that the defendant was engaged in the business of manufacturing, preparing, and distributing brined pickle products (vegetable and fruit), and had been and was, at the time of filing the complaint, introducing and delivering for introduction into interstate commerce, brined pickle products which were adulterated within the meaning of 402(a)(3) by reason of the presence therein of decomposed material and filth including *Dro-*

*sophila* flies, maggots, larvae, insect eggs, and insect fragments, and within the meaning of 402(a)(4) by reason of preparing, packing, and holding such products under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of innumerable flies in the salt storage room attracted through open doors by dirty, used pickle barrels stored therein; dead and live insects on the salt; the storage of the salt directly on the floor upon which employees walked; the transportation of salt from the storage room to the brine tanks in a dirty wheelbarrow; hundreds of dead insects in the brine tanks containing peppers and watermelon rinds; uncovered or ill-covered brine tanks; employees walking on peppers in the brine tanks; pepper hulls being dropped to the floor and packed without cleansing; and the barreling of peppers containing insects and decomposed peppers.

It was alleged also that the defendant had on hand quantities of brined pickle products which contained filthy and decomposed substances and had been prepared, packed, or held under insanitary conditions.

The complaint alleged further that the defendant was well aware that his activities were in violation of the Act; that various inspections had been made by the Food and Drug Administration at which time the insanitary conditions in the plant had been called to the defendant's attention; that the defendant had been warned by notices of hearing issued on July 28, 1952, March 25, 1953, and November 28, 1956; that despite such warnings the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce, brined pickle products adulterated as described above.

**DISPOSITION:** 3-18-57. The defendant having consented, the court entered a decree temporarily enjoining and restraining the defendant from causing to be introduced and delivering for introduction into interstate commerce, brined pickle products which are adulterated as alleged in the complaint. The defendant was also enjoined against causing the introduction and delivering for introduction into interstate commerce, of any of the stock of adulterated brined pickle products on hand at the defendant's plant, unless and until such products were cleaned or otherwise processed under the supervision of the Food and Drug Administration and thus brought into compliance with the law.

On 3-16-59, upon motion of the defendant and with the consent of the Government, the court entered an order dissolving the injunction and dismissing the complaint on the grounds that the stock on hand had been satisfactorily reprocessed and the plant premises brought into a suitable condition.

### TOMATOES AND TOMATO PRODUCTS

**25322. Canned tomatoes.** (F.D.C. No. 42244. S. No. 32-309 P.)

**QUANTITY:** 350 cases, 24 1-lb. cans each, at Elmsford, N.Y.

**SHIPPED:** 8-26-58, from Eastville, Va., by James & James.

**LABEL IN PART:** (Can) "Iona Tomatoes \* \* \* The Great Atlantic & Pacific Tea Co., New York, N.Y. Distributors \* \* \* Can Size . . . No. 303."

**LIBELED:** 10-31-58, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained fly eggs and maggots when shipped.

**DISPOSITION:** 12-1-58. Default—destruction.



**25323. Canned tomatoes.** (F.D.C. No. 42326. S. No. 29-150 P.)

QUANTITY: 159 cases, 24 cans each, at Alexandria, La.

SHIPPED: 7-31-58, from Donna, Tex., by Knapp-Sherrill Co.

LABEL IN PART: "Patsy's Party Tomatoes Contents 1 lb. Distributors Co. New Iberia, La. Distributors."

LIBELED: 10-16-58, W. Dist. La.

CHARGE: 402(a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 12-12-58. Default—destruction.

**25324. Tomato puree.** (F.D.C. No. 42255. S. No. 35-942 P.)

QUANTITY: 46 cases, 48 cans each, at Philadelphia, Pa.

SHIPPED: 9-24-58, from Vineland, N.J., by Uddo & Taormina Co.

LABEL IN PART: (Can) "Mountain Beauty Contents 10½ Oz. Av'd. Tomato Puree \* \* \* Packed by Uddo & Taormina Co., Vineland, N.J."

LIBELED: 10-28-58, E. Dist. Pa.

CHARGE: 402(a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 12-4-58. Default—destruction.

**25325. Pizza sauce.** (F.D.C. No. 42257. S. No. 35-947 P.)

QUANTITY: 8 cases, 24 1-lb. 3-oz. cans each, at Philadelphia, Pa.

SHIPPED: 9-24-58, from Vineland, N.J., by Uddo & Taormina Co.

LABEL IN PART: (Can) "Progresso Brand Pizza Sauce \* \* \* Packed by Uddo & Taormina Co., Vineland, New Jersey."

LIBELED: 10-29-58, E. Dist. Pa.

CHARGE: 402(a) (3)—contained fly eggs and maggots; and 402(a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-10-58. Default—destruction.

**25326. Pizza sauce.** (F.D.C. No. 42270. S. No. 35-943 P.)

QUANTITY: 9 cases, 24 1-lb. 3-oz. cans each, at Philadelphia, Pa.

SHIPPED: 9-22-58, from Vineland, N.J., by Uddo & Taormina Co.

LABEL IN PART: (Can) "Progresso Brand Pizza Sauce \* \* \* Packed by Uddo & Taormina Co. Vineland, New Jersey."

LIBELED: 11-3-58, E. Dist. Pa.

CHARGE: 402(a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 12-17-58. Default—destruction.

## NUTS\*

**25327. Mixed nuts.** (F.D.C. No. 42376. S. No. 37-856 P.)

QUANTITY: 138 cases, 24 1-lb. bags each, at St. Louis, Mo.

SHIPPED: 10-29-58, from Chico, Calif.

LIBELED: 11-26-58, E. Dist. Mo.

CHARGE: 402(a) (3)—contained insects and decomposed nuts while held for sale.

DISPOSITION: 12-18-58. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 213 lbs. destroyed.

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\*See also No. 25306.

**25328. Unshelled brazil nuts.** (F.D.C. No. 42510. S. Nos. 1-115 P, 44-491 P.)

QUANTITY: 175 cases, 24 1-lb. bags each, at Atlanta, Ga.

SHIPPED: Between 10-13-56 and 11-19-57, from Chico, Calif.

LIBELED: 11-21-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, rancid nuts, and decomposed nuts while held for sale.

DISPOSITION: 12-19-58. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 244 lbs. destroyed.

**25329. Unshelled peanuts.** (F.D.C. No. 42351. S. No. 24-342 P.)

QUANTITY: 239 50-lb. bags, at Downey, Calif., in possession of All American Nut Co.

SHIPPED: 7-22-58, from Portales, N. Mex.

LIBELED: 11-18-58, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-9-58. Consent—claimed by All American Nut Co. Segregated; 4,996 lbs. destroyed.

**25330. Unshelled peanuts.** (F.D.C. No. 42129. S. No. 39-969 P.)

QUANTITY: 188 100-lb. bags at Sacramento, Calif.

SHIPPED: 4-30-58, from Franklin, Va.

LIBELED: 10-1-58, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect excreta, and webbing while held for sale.

DISPOSITION: 12-9-58. Default—consumption by animals.

**25331. Unshelled peanuts.** (F.D.C. No. 42145. S. No. 29-212 P.)

QUANTITY: 17 100-lb. bags and 2 50-lb. bags at Pascagoula, Miss.

SHIPPED: 7-3-58, from Mobile, Ala.

LIBELED: 10-15-58, S. Dist. Miss.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-6-58. Default—sold for use as animal feed.

**25332. Unshelled pecans.** (F.D.C. No. 42327. S. No. 25-286 P.)

QUANTITY: 43 cases, 24 1-lb. bags each, at Burlington, Iowa.

SHIPPED: 12-4-57, from Chicago, Ill.

LIBELED: 10-15-58, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained moldy nuts, and soft and shriveled nuts while held for sale.

DISPOSITION: 11-14-58. Default—destruction.

**25333. Shelled almonds, shelled cashews, shelled peanuts, shelled pecans, and shelled walnuts.** (F.D.C. No. 42235. S. Nos. 41-988/9 P, 42-164/6 P.)

QUANTITY: 18 25-lb. cases, 7 30-lb. cases, and 16 25-lb. ctns., at Seattle, Wash.

SHIPPED: Between 5-9-57 and 6-19-58, from Chico and Modesto, Calif., Portland, Oreg., Las Cruces, N. Mex., and Chicago, Ill.



**LIBELED:** 10-20-58, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-12-58. Default—destruction.

**25334. Shelled peanuts.** (F.D.C. No. 42281. S. Nos. 42-089 P, and 42-091 P.)

**QUANTITY:** 50 120-lb. bags and 354 125-lb. bags at Tacoma, Wash.

**SHIPPED:** 9-17-58 and 9-22-58, from Houston, Tex., by Hou-Tex Peanut Co., Inc.

**LIBELED:** 11-7-58, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 12-1-58 and 2-11-59. Consent—claimed by Hou-Tex Peanut Co., Inc. Segregated; 12 bags denatured for use as animal feed.

**25335. Shelled peanuts (2 seizure actions).** (F.D.C. Nos. 42358, 42632. S. Nos. 26-493 P, 26-500 P.)

**QUANTITY:** 74 120-lb. bags and 75 115-lb. bags at Des Moines, Iowa, in possession of Peanut Products Co.

**SHIPPED:** 9-16-58 and 11-3-58, from Suffolk, Va., and Comanche, Tex.

**LIBELED:** 11-12-58 and 12-8-58, S. Dist. Iowa.

**CHARGE:** 402(a)(3)—contained rodent urine, rodent pellets, and rodent-gnawed peanuts; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 11-20-58 and 12-19-58. Consent—claimed by Peanut Products Co. Segregated; 1,912 lbs. denatured for use as animal feed.

**25336. Shelled Spanish peanuts (3 seizure actions).** (F.D.C. Nos. 42309, 42310, 42311. S. Nos. 42-381/2 P, 42-384/6 P.)

**QUANTITY:** 50 115-lb. bags at Seattle, Wash.

**SHIPPED:** 7-9-58, from Comanche, Tex.

**LIBELED:** 11-24-58, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-31-58. Default—consumption by animals.

**25337. Shelled walnuts.** (F.D.C. No. 42355. S. No. 19-258 P.)

**QUANTITY:** 72 25-lb. cases at Denver, Colo.

**SHIPPED:** 10-3-58 and 10-8-58, from San Jose, Calif., by Santa Clara Nut Co.

**LABEL IN PART:** "Light and Light Amber Halves and Pieces."

**LIBELED:** 11-7-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insects, insect excreta, insect-damaged nuts, and moldy nuts when shipped.

**DISPOSITION:** 11-26-58. Consent—claimed by Jim Pusateri, d/b/a Santa Clara Nut Co. Segregated; 105 lbs. destroyed.

## OLEOMARGARINE

(The reporting of the following three cases had been delayed, but they are now being included for completion of the record.)

**25338. Oleomargarine.** (F.D.C. No. 33765. S. Nos. 24-164 L, 37-280/2 L, 38-554 L, 49-736 L.)

**INDICTMENT RETURNED:** 2-17-53, S. Dist. N.Y., against Sol Abramson, Louis Alpert, and Temp-Tee Foods, Inc., Bronx, N.Y.

**ALLEGED VIOLATION:** At various times between 9-18-51 and 4-28-52, the defendants, with the intent to defraud and mislead, sold and offered for sale quantities of colored oleomargarine which was not properly labeled.

The indictment alleged also that the defendants, since September 1, 1951, and continuously thereafter to the date of the filing of the indictment, did combine, conspire, confederate, and agree together, and with each other, and other persons, to violate 407 of the Act, and that it was a part of such conspiracy that the defendants, with intent to defraud and mislead, would unlawfully sell colored oleomargarine which was not properly labeled.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof, the defendant, Sol Abramson, on 4-25-52, delivered a quantity of oleomargarine to Temp-Tee Foods, Inc., at 514 Westchester Ave., Bronx, N.Y.; and that all the defendants sold quantities of colored oleomargarine on 4-26-52 and 4-28-52.

**CHARGE:** 407(b)(3)—the label of the article failed to bear (a) the word “oleomargarine” or “margarine” in type or lettering at least as large as any other type or lettering on the label, and (b) a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; and 407(b)(4)—each part of the contents of the package was not contained in a wrapper which bore the words “oleomargarine” or “margarine” in type or lettering not smaller than 20-point.

**PLEA:** Guilty.

**DISPOSITION:** 11-21-56. Corporation—\$7 fine which was remitted; Alpert—probation for 2 years; 12-20-56, Abramson—3 year jail sentence suspended and probation for 3 years.

**25339. Oleomargarine.** (F.D.C. No. 37254. S. Nos. 24-164 L, 37-280/2 L, 38-025 L, 38-554 L, 49-736 L.)

**INDICTMENT RETURNED:** 8-2-54, S. Dist. N.Y., against Henry N. August, Belleville, N.J.

**ALLEGED VIOLATION:** The indictment alleged that the defendant and co-conspirators, Sol W. Abramson and Louis Alpert, since January 1, 1952, and continuously thereafter to the date of the filing of the indictment, did combine, conspire, confederate, and agree together and with other unknown persons to commit an offense against the United States, namely, to sell and offer for sale colored oleomargarine in violation of 407(b)(3). It was charged as part of the conspiracy that the defendant and co-conspirators would, with intent to defraud and mislead, sell and offer for sale colored oleomargarine in packages not bearing labels on which appeared the word “oleomargarine” or “margarine” in type or lettering at least as large as any other type or lettering on the label, and a full and accurate statement of all the ingredients contained in such oleomargarine.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof, the defendant, on 4-15-52, received from co-conspirator, Louis Alpert, a number of unlabeled cartons containing a mixture of colored oleomargarine and butter.

**PLEA:** Guilty.

**DISPOSITION:** 5-28-56. Probation for 3 years.



**25340. Oleomargarine.** (F.D.C. No. 37253. S. Nos. 24-164 L, 37-280/2 L, 38-554 L, 49-736 L.)

**INDICTMENT RETURNED:** 8-2-54, S. Dist. N.Y., against Harry Sacks, New York, N.Y.

**ALLEGED VIOLATION:** The indictment alleged that the defendant and co-conspirators, Sol Abramson and Louis Alpert, since November 1, 1951, and continuously thereafter to the date of the filing of the indictment, did combine, confederate, and agree together and with each other, and with other unknown persons to commit an offense against the United States, namely, to sell and offer for sale colored oleomargarine in violation of 407(b) (3). It was charged as part of the conspiracy that the defendant and co-conspirators would, with intent to defraud and mislead, sell and offer for sale colored oleomargarine in packages not bearing labels on which appeared the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label, and a full and accurate statement of all the ingredients contained in such oleomargarine.

It was alleged further in pursuance of the conspiracy and to effect the objects thereof, that the defendant, on 12-1-51, had a conversation with the co-conspirators named above, and that the defendant, on 4-14-52, delivered to co-conspirator, Louis Alpert, three cartons containing a mixture of colored oleomargarine and butter.

**PLEA:** Guilty.

**DISPOSITION:** 12-18-56. \$250 fine.

## POULTRY AND POULTRY PRODUCTS

**25341. Dressed turkeys.** (F.D.C. No. 42179. S. No. 30-057 P.)

**QUANTITY:** 733 ctns., 36,650 lbs. total, at Jersey City, N.J.

**SHIPPED:** 8-13-58, from Kansas City, Kans.

**LIBELED:** 9-9-58, Dist. N.J.

**CHARGE:** 402(a) (3)—contained decomposed turkeys while held for sale.

**DISPOSITION:** 10-16-58. Consent—claimed by Lehigh Valley Railroad Co., New York, N.Y. Segregated; 1,711 lbs. destroyed.

**25342. Canned Rock Cornish game hens.** (F.D.C. No. 42074. S. No. 39-181 P.)

**QUANTITY:** 44 cases, 6 2-lb. cans each, at Milpitas, Calif.

**SHIPPED:** 9-18-57 and 12-7-57, from New York, N.Y., by General Foods Corporation, Gourmet Foods Operations.

**LABEL IN PART:** "Rock Cornish Game Hen Boneless, Stuffed \* \* \* Gourmet Foods."

**LIBELED:** 8-1-58, N. Dist. Calif.

**CHARGE:** 402(a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 8-26-58. Default—destruction.

**25343. Canned Rock Cornish game hens.** (F.D.C. No. 42075. S. No. 21-079 P.)

**QUANTITY:** 100 cases, 6 2-lb. cans each, at Kansas City, Mo.

**SHIPPED:** 10-7-57, from White Plains, N.Y.

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing bacterial decomposition.

**LIBELED:** On or about 8-5-58, W. Dist. Mo.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.  
DISPOSITION: 9-18-58. Default—destruction.

**25344. Canned Rock Cornish game hens.** (F.D.C. No. 41970. S. No. 31-412 P.)

QUANTITY: 98 cases, 588 2-lb. cans total, at Tarrytown, N.Y.

SHIPPED: 12-18-57, from Odessa, Del.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing bacterial decomposition.

LIBELED: 9-4-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-16-58. Default—destruction.

**25345. Frozen chicken chow mein, frozen fried rice with chicken, and rice.**  
(F.D.C. No. 41179. S. Nos. 75-873 M, 76-095 M, 76-355 M.)

INFORMATION FILED: 6-18-58, Dist. Mass., against Hung's Food Products, Inc., Cambridge, Mass., and Stephen C. Hung, president and treasurer.

ALLEGED VIOLATION: Between 8-14-57 and 9-16-57, while quantities of rice were being held for sale after shipment in interstate commerce, the defendants caused the article to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

The information alleged also that on 8-26-57, and between 9-11-57 and 10-23-57, the defendants shipped adulterated frozen chicken chow mein and adulterated frozen fried rice with chicken from Massachusetts to Vermont and Rhode Island.

CHARGE: 402(a)(3)—the frozen chicken chow mein contained rodent hair fragments, feather fragments, and insect parts; the frozen fried rice with chicken contained rodent hair fragments, insect parts, feather fragments, and feather barbules; and the rice contained rodent excreta and rodent urine; and 402(a)(4)—the frozen chicken chow mein and the frozen fried rice with chicken were prepared, and the rice was held, under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-29-58. Corporation—\$500 fine; individual—2 years probation.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**25346. Ginger root.** (F.D.C. No. 42285. S. No. 30-825 P.)

QUANTITY: 20 bags, 135 lb. total, at New York, N.Y.

SHIPPED: 10-3-58, from India.

LIBELED: 11-25-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-11-58. Consent—claimed by Overseas Produce Corp., New York, N.Y. Segregated; 320 lbs. destroyed.

**25347. Ginger root.** (F.D.C. No. 42251. S. No. 30-823 P.)

QUANTITY: 100 137-lb. bags at New York, N.Y.

SHIPPED: 4-21-58, from India.

LIBELED: 10-31-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects while held for sale.



DISPOSITION: 11-19-58. Consent—claimed by Overseas Produce Corp., New York, N.Y. Segregated; 1,430 lbs. destroyed.

25348. Ground vanilla beans. (F.D.C. No. 42371. S. No. 17-393 P.)

QUANTITY: 16 100-lb. drums at Cincinnati, Ohio.

SHIPPED: 4-4-56, from Northville, Mich., by Northville Laboratories, Inc.

LIBELED: 11-21-58, S. Dist. Ohio.

CHARGE: 402(b)(1)—when shipped, the valuable constituents of the article, namely, the flavoring principles, had been in part omitted or abstracted therefrom.

DISPOSITION: 12-3-58. Default—destruction.

25349. Vinegar stock. (F.D.C. No. 42334. S. No. 29-646 P.)

QUANTITY: 6,104 gallons at Paris, Tex.

SHIPPED: 9-18-58, from Sebastopol, Calif., by Speas Co.

LIBELED: 10-21-58, E. Dist. Tex.

CHARGE: 402(a)(3)—contained flies, fly eggs, and maggots; and 402(a)(4)—manufactured under insanitary conditions.

DISPOSITION: 12-18-58. Consent—claimed by Speas Co. and converted into fruit spirits.

25350. Vinegar. (Inj. No. 324.)

COMPLAINT FOR INJUNCTION FILED: 1-4-58, W. Dist. Va., against National Fruit Product Co., Inc., Winchester, Va.

CHARGE: The complaint alleged that the defendant had been and was, at the time of the filing of the complaint, operating a plant at Winchester, Va., for the preparation, storage, and distribution of vinegar, a food; that it had been and was, at the time of filing the complaint, storing and holding such food in storage tanks under insanitary conditions resulting from the presence of insect filth on the inside walls of the tanks and in the vinegar contained therein, swarms of fruit flies in the air spaces at the top of the tanks, and loose-fitting covers and trap doors through which insects could enter the tanks; that the defendant had on hand approximately 1,200,000 gallons of insect-contaminated vinegar in 27,000-gallon tanks on its premises; and that the defendant was introducing and causing to be introduced into interstate commerce, vinegar adulterated as follows: 402(a)(3)—the vinegar was contaminated with insects, insect fragments, insect excreta, insect larvae and pupae, insect eggs, maggots and mites; and 402(a)(4)—it was prepared, packed, and held under insanitary conditions.

DISPOSITION: On 1-4-58, the court issued a temporary restraining order. Thereafter, on 2-4-58, the defendant having consented to the entry of a decree, a permanent injunction was entered enjoining the defendant from introducing or delivering for introduction into interstate commerce, the vinegar on hand in defendant's plant on 1-27-58, and stored in a total of 33 tanks, until brought into compliance with the law, under the supervision of the Food and Drug Administration, as follows: the vinegar in the tanks was to be layered off two feet on the bottom and one foot on the top; the vinegar layered off from the top and bottom of the tank was to be pumped to holding tanks and the accumulation distilled, destroyed, or otherwise disposed of under supervision of the Food and Drug Administration; the

middle layers of the vinegar in the tanks were to be filtered into completely sanitized and insect-proofed tanks; all other fermentation and holding tanks were to be covered by insect-proof covers; and the layering off, tank cleaning, and covering operations were to be completed by 5-1-58.

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Chow mein, chicken, frozen	25345	Oleomargarine	25338-25340
Coffee	25251	Olives, black	25286
skimmings	25252	Orange juice, canned	25304, 25305
Corn, canned	25315	Oysters	<sup>2</sup> 25300
Cornish, Rock, game hens,		Peaches, canned	25301
canned	25342-25344	Peanuts, shelled	25333-25335
Cornmeal	25253-25255	Spanish	25336
Cottage cheese	25285	unshelled	25329-25331
Crabmeat, fresh	<sup>1</sup> 25299	Peas, field, frozen, with snaps	<sup>1</sup> 25313
Dairy products	25281-25286	split, green, dried	25311
Dates, pitted	25302, 25303	Pecans, shelled	25333
Egg(s), whole, frozen	25287, 25288	unshelled	25332
noodles	25264	Peppers, canned	25316
Fava beans, dried	25307	Perch fillets, frozen	25290
Fish and shellfish	<sup>2</sup> 25289-25300	Pickle products, brined	<sup>1</sup> 25321
Flour	25255, 25256-25261	relish	25320
rice	25262		
Frog legs, frozen	25298		

<sup>1</sup> (25306, 25299, 25321, 25313, 25350) Injunction issued.

<sup>2</sup> (25300) Injunction contested.



	N.J. No.		N.J. No.
Pinto beans, dried	25309	Succotash, canned	25317
Pizza sauce	25325, 25326	Sunflower seeds, dried	<sup>1</sup> 25306
Pollock fillets, frozen	25295	Tomatoes, canned	25322, 25323
Poultry and poultry products	25341-25345	puree	25324
Protein flakes (cereal)	25280	Turkeys. <i>See</i> Poultry and poultry products.	
Provoloni cheese	25286	Vanilla beans, ground	25348
Rice	25265-25272, 25345	Vinegar	<sup>1</sup> 25350
fried, with chicken, frozen	25345	stock	25349
Rock Cornish game hens, canned	25342-25344	Walnuts, shelled	25333, 25337
Sardines, canned	25297	Wheat	25273-25279
Shellfish. <i>See</i> Fish and shellfish.		flakes	25280
Spices, flavors, and seasoning materials	<sup>1</sup> 25346-25350	Whitefish, fresh	25289
		Whiting, frozen	25296

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
A & P, Great, Tea Co.:		Bloom, M. L.:	
canned tomatoes	25322	wheat	25276
Abramson, Sol:		Boats. <i>See</i> Admiral, Atlantic, Caracara, Minnie, North Sea, Ocean Spray, Terra Nova, Thomas D, and Weymouth.	
oleomargarine	25338	Boivin, A. G.:	
Admiral (boat):		coffee	25251
frozen pollock fillets	25295	Brickner, S. E.:	
All American Nut Co.:		wheat flakes, protein flakes (cereal), and muffin mix	25280
unshelled peanuts	25329	Broussard Rice Mill:	
Alpert, Louis:		rice	25272
oleomargarine	25338	Cannon, I. F.:	
Anastasi, A. A., Jr.:		fresh crabmeat	<sup>1</sup> 25299
dried black-eyed beans, dried California red beans, dried lima beans, dried pink beans, dried small white beans, dried kidney beans, and dried sunflower seeds	<sup>1</sup> 25306	Cannon, I. F., Jr.:	
Anastasi, A. A., Sr.:		fresh crabmeat	<sup>1</sup> 25299
dried black-eyed beans, dried California red beans, dried lima beans, dried pink beans, dried small white beans, dried kidney beans, and dried sunflower seeds	<sup>1</sup> 25306	Cannon & Son, I. F. <i>See</i> Cannon, I. F.	
Associated Grocers of Colorado:		Caracara (boat):	
rice	25266	frozen haddock fillets	25291
Atlantic (boat):		Central States Grain Co.:	
frozen haddock fillets	25292	wheat	25273
August, H. N.:		Central Wharf Cold Storage:	
oleomargarine	25339	frozen whiting	25296
Birds Eye Division, General Foods Corp.:		Cherokee Products Co.:	
frozen haddock fillets	25291	canned peaches	25301
		Christiana, N.J.:	
		frozen whole eggs	25288
		Delaware Mushroom Cooperative Association:	
		canned mushrooms	25318

<sup>1</sup>(25306, 25299, 25321, 25313, 25350) . Injunction issued.

	N.J. No.		N.J. No.
Distributors Co.:		Kroblin Warehouse:	
canned tomatoes-----	25323	butter -----	25284
Farmers Union Co-op Cream-		Louisiana-Mississippi Milk Pro-	
eries:		ducers Association:	
butter -----	25281	butter -----	25283
First National Stores, Inc.:		Marion Wholesale Co.:	
canned orange juice----	25304, 25305	rice -----	25269
Foodland, Inc.:		Mayer Gulden Annis, Inc.:	
pickle relish-----	25320	canned mushrooms-----	25318
Gem Canning Co.:		McCabe Co.:	
Canned corn-----	25315	wheat -----	25275
General Foods Corp., Gourmet		McKenzie, W. H., Jr.:	
Foods Operations:		frozen field peas with snaps_ <sup>1</sup>	25313
canned Rock Cornish game		Meinerz Creamery:	
hens-----	25342	cottage cheese-----	25285
General Foods Corp. See Birds		Mid-Central Fish Co. of Maine:	
Eye Division, General Foods		frozen whiting-----	25296
Corp.		Miller's Bakery:	
Gold Badge Farms:		flour -----	25259
lettuce -----	25312	Minnie (boat):	
Grosjean, C. E., Rice Milling Co.:		frozen haddock fillets-----	25291
rice-----	25268	Montana Elevator Co.:	
Hale-Halsell Co.:		wheat -----	25274
cornmeal-----	25253	Morgan, Cranston:	
Hoosac Storage & Warehouse		oysters ----- <sup>2</sup>	25300
Co.:		Morgan, R. F.:	
dried mung beans-----	25308	oysters ----- <sup>2</sup>	25300
Hou-Tex Peanut Co., Inc.:		Morgan, W. F. & Sons:	
shelled peanuts-----	25334	oysters ----- <sup>2</sup>	25300
Hung, S. C.:		Myers, J. W., & Co., Inc:	
frozen chicken chow mein,		flour-----	25258
frozen fried rice with chick-		National Fruit Product Co., Inc.:	
en, and rice-----	25345	vinegar----- <sup>1</sup>	25350
Hung's Food Products, Inc.:		National Grocery Co.:	
frozen chicken chow mein,		rice-----	25271
frozen fried rice with chick-		New England Fillet Co., Inc.:	
en, and rice-----	25345	frozen haddock fillets-----	25292
Iowa's Dairyland Products, Inc.:		Nichols Badger Brand Products,	
cottage cheese-----	25285	Inc.:	
James & James:		cottage cheese-----	25285
canned tomatoes-----	25322	North Sea (boat):	
Keystone Fisheries, Ltd.:		frozen perch fillets-----	25290
fresh whitefish-----	25289	Northville Laboratories, Inc.:	
Kimbell Canning Co.:		ground vanilla beans-----	25348
canned cut green beans-----	25314	Oakland Bean Cleaning & Stor-	
Kimbell Food Products Co.:		age Co. See Anastasi, A. A.,	
canned cut green beans-----	25314	Sr.	
Knapp-Sherrill Co.:		Ocean Spray (boat):	
canned tomatoes-----	25323	frozen pollock fillets-----	25295

<sup>1</sup> (25306, 25299, 25321, 25313, 25350) Injunction issued.<sup>2</sup> (25300) Injunction contested.



	N.J. No.		N.J. No.
Ohio Farmers Grain Corp.:		Stephens Grocer Co.:	
wheat-----	25277	cornmeal-----	25254
Peanut Products Co.:		pitted dates-----	25303
shelled peanuts-----	25335	Temp-Tee Foods, Inc.:	
Potomac Creamery Co., Inc.:		oleomargarine-----	25338
butter-----	25282	Terra Nova (boat):	
R & S Pickle Works, Inc.:		frozen haddock fillets-----	25293
pickle relish-----	25320	Thomas D (boat):	
Sacks, Harry:		frozen haddock fillets-----	25291
oleomargarine-----	25340	Thomas & Howard Co., Inc.:	
Santa Clara Nut Co.:		rice-----	25270
shelled walnuts-----	25337	Travis, S. P.:	
Schilling Grain Co.:		flour-----	25260
wheat-----	25278	Uddo & Taormina Co.:	
Service Warehouse Co., Inc.:		pizza sauce-----	25325, 25326
rice-----	25265	tomato puree-----	25324
Silzle, E. A., Corp.:		Union China Tea Co. <i>See</i>	
canned orange juice-----	25305	Boivin, A. G.	
Southern Frozen Foods, Inc.:		Weymouth (boat):	
frozen field peas with snaps <sup>1</sup> -----	25313	frozen haddock fillets-----	25294
Speas Co.:		Whitely, W. O.:	
vinegar stock-----	25349	brined pickle products----- <sup>1</sup>	25321
Standard Wholesale Grocery,		Wolfe, A. J.:	
Inc.:		wheat-----	25279
canned corn-----	25315	Wolfe Feed & Grain Co.:	
		<i>See Wolfe, A. J.</i>	

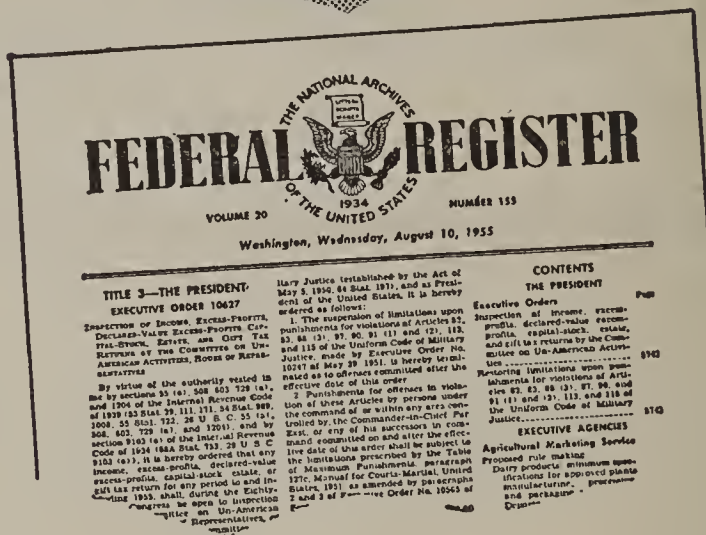
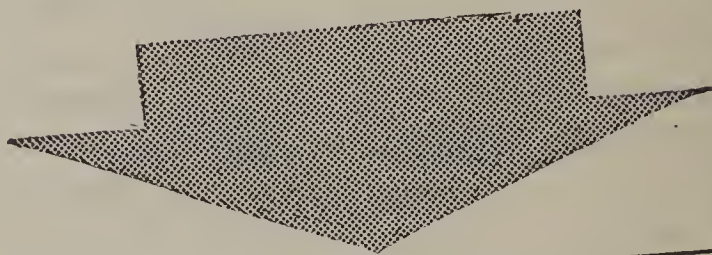
<sup>1</sup> (25306, 25299, 25321, 25313, 25350) Injunction issued.

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